S. Hrg. 98-967

EMERGENCY WETLANDS RESOURCES ACT OF 1984

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 1329

A BILL TO EXTEND UNTIL OCTOBER 1, 1993, THE AUTHORITY FOR APPROPRIATIONS TO PROMOTE THE CONSERVATION OF MIGRATORY WATERFOWL AND TO OFFSET OR PREVENT THE SERIOUS LOSS OF WETLANDS AND OTHER ESSENTIAL HABITAT, AND FOR OTHER PURPOSES

MARCH 21, 1984

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James A. McClure and J. Bennett Johnston are Ex Officio Members of the Subcommittee
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EMERGENCY WETLANDS RESOURCES ACT OF 1984

WEDNESDAY, MARCH 21, 1984

U.S. SENATE, SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:20 p.m., in room SD-366, Dirksen Office Building, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop and Chafee.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. This afternoon the subcommittee will receive testimony on sections 201 and 204 of S. 1329 as reported by the Committee on Environment and Public Works. I will place a copy of the bill in the hearing record.

Since Clare Conley's editorial appeared in the January issue of Outdoor Life, I have received many letters supporting the Emergency Wetlands Act of 1983, S. 1329. Mr. Conley's editorial implied that if S. 1329 were referred to the Senate Energy and Natural Resources Committee after consideration by the Environment and Public Works Committee, National Park Service interests would kill the bill and all acquisition of wetlands would stop. This is basic nonsense and it is an inflammatory misrepresentation and its purpose is far beyond my comprehension except that perhaps it sells magazines.

The Senate Energy and Natural Resources Committee and the Senate Environment and Public Works Committee jointly requested that the Senate refer S. 1329 to the Energy and Natural Resources Committee for consideration of two issues, which come under the jurisdiction of the Energy committee. These two issues are not necessarily related to park land and wetland acquisitions. On February 6, 1984, S. 1329 was referred to the Energy Committee for a period of 60 days as requested.

The two issues that the subcommittee will look at are fees established by the bill and the proposed $75 million annual entitlement for the acquisition of wetlands. First, the bill establishes entrance fees on units of the national wildlife refuge system and provides entrance privileges to those presenting a valid duck stamp.

Congress also sets fees on selected conservation system units through the land and water conservation fund and must look carefully at a special fee system in relation to other systems. We have recently gone through a debate on a proposal that would in effect establish federal hunting and fishing permits on federal lands. We rejected that proposal, sensibly I might add. I also feel obligated to look at all fee and funding proposals that would evade the Congressional appropriations process.

The bill will also provide a $75 million annual entitlement for wetland acquisition for 10 years. This is not subject to the congressional appropriations process and would place the acquisition of wetlands in front of all public acquisition programs, public land acquisition programs. Congress has appropriated an average of $200 million annually from the land and water conservation fund over the last 5 years for land acquisition, including wetlands, and recreation development. Priorities, based on national needs are determined on all projects, including wetland areas in national refuges and state preserves.

The administration proposes major new initiatives in the wetland acquisition area. One calls for $20 million to be appropriated from the land and water conservation fund for acquisition of wetland acres by the Fish and Wildlife Service to be managed as refuge lands.

Another wetland acquisition proposal calls for a new $7.5 million program of State grants, to be matched by $1 in State funds for every $3 in Federal funds. Both of these initiatives depend on the enactment of legislation to be submitted later.

The fiscal year 1985 budget also estimates that $16.4 million will be available from duck stamp receipts for land acquisition, including wetlands, by the migratory bird conservation commission. However, if the Wetlands Loan Act is not extended, then 75 percent of these receipts would be used to repay prior year advances. There is a current balance of unappropriated loan authority of about $46 million.

Further, the Federal aid program in fish restoration, also known as the Dingell-Johnson fund, and the Federal aid in wildlife restoration program, the Pittman-Robertson fund, will expend about $2 million and $15 million respectively for fiscal year 1985 for land acquisition efforts, again, including wetlands.

The National Park Service budget for fiscal year 1985 assumes no funding for the Stateside of the land and water conservation fund. However, if funds are provided by Congress again in fiscal year 1985 State grants may be used for wetland acquisition in certain instances, for example, if it is identified in the State comprehensive outdoor recreation plan.

The Department of Agriculture has proposed in their fiscal year 1985 budget that the objectives of the water bank program be carried out under the consolidated agricultural conservation program. Eighty million dollars is requested for the water bank program.

Finally, the administration has requested $29 million in land acquisition funding for use in the regular land acquisition program for refuges. Some of these lands are wetlands.

We need clarification of these issues by the administration and others.

The hearing record will remain open for 1 week. We urge those people who have comments or amendments to submit them as soon as possible because this committee will be discharged of jurisdiction on April 6, 1984. We plan to report the bill prior to that date.

Let me begin on calling on my friend Craig Potter, Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

Craig.

[The text of S. 1329 as reported by the Committee on Environment and Public Works follows:]

98TH CONGRESS
2D SESSION

S. 1329

[Report No. 98–349]

To extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 16), 1983

Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. RANDOLPH, and Mr. MITCHELL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JANUARY 26 (legislative day, JANUARY 23), 1984

Reported by Mr. CHAFEE, with amendments

[Omit the part struck through and insert the part printed in italic]

FEBRUARY 6, 1984

Ordered, referred to the Committee on Energy and Natural Resources for a period not to exceed sixty calendar days to consider sections 201 and 204

A BILL

To extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Wetlands Resources Act of 1984".

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering and ultimate survival of a major portion of the Nation's migratory and resident fish and wildlife, including migratory birds, endangered species, commercially and recreationally important finfish, shellfish and other aquatic organisms, and contain many unique species and communities of wild plants;

(3) our Nation's migratory bird treaty obligations with Canada, Mexico, Japan, the Union of the Soviet Socialist Republics, and with various countries in the Western Hemisphere require Federal protection of wetlands used by migratory birds for breeding, wintering or migration and needed to achieve and to maintain

optimum population levels, distributions, and patterns of migration;

(4) wetlands, and the fish, wildlife, and plants dependent thereon, provide significant recreational and commerical benefits, including—

(A) contributions to a commercial marine harvest valued at over $10,000,000,000 annually;

(B) support for a major portion of the Nation's multi-million dollar annual fur and hide harvest; and

(C) fishing, hunting, birdwatching, nature observation and other wetland-related recreational activities that generate billions of dollars annually;

(5) wetlands enhance the Nation's water quality and supply by serving as groundwater recharge areas, nutrient traps and chemical sinks;

(6) wetlands provide a natural means of flood and erosion control by retaining water during periods of high runoff, thereby protecting against loss of life and property;

(7) wetlands constitute only a small percentage of the land area of the United States, are estimated to have been reduced by half in the contiguous States since the founding of our Nation, and continue to disappear by hundreds of thousands of acres each year;

(8) certain activities of the Federal Government have inappropriately altered or assisted in the alteration of wetlands, thereby unnecessarily stimulating and accelerating the loss of these valuable resources and the environmental and economic benefits that they provide; and

(9) the existing Federal, State, and private cooperation in wetlands conservation should be strengthened in order to minimize further losses of these valuable areas and to assure their management in the public interest for this and future generations.

(b) PURPOSE.—It is the purpose of this Act to promote, in concert with other Federal and State statutes and programs, the conservation of our Nation's wetlands in order to maintain the public benefits they provide and to fulfill international obligations contained in various migratory bird treaties and conventions with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere by—

(1) intensifying cooperative efforts among private interests and local, State, and Federal governments for the management and conservation of wetlands; and

(2) intensifying efforts to protect the Nation's wetlands through acquisition in fee, easements or other in-

terests and methods by local, State, and Federal governments and the private sector.

DEFINITIONS

SEC. 3. For purposes of this Act, the term—

(a) "Committees" means the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate;

(b) "Secretary" means the Secretary of the Interior; and

(c) "wetland" means land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Generally, wetlands are areas inundated or saturated by surface or ground water frequently enough and for long enough duration to support a prevalence of plants or animals typically adapted to life in saturated soil conditions including but not limited to such areas as coastal or inland marshes or estuaries, river-associated water-saturated areas, inland lakes, potholes, bogs, mudflats, or bottomland hardwood forests.

TITLE I—EXTENSION OF WETLANDS LOAN ACT

SEC. 101. (a) the first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands, and for other essential waterfowl habitat, and for other purposes", approved October 4, 1961 (75 Stat. 813; 16 U.S.C. 715k–3) (referred to in this Act as the "Wetlands Loan Act"), is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1993".

(b) Section 3 of the Wetlands Loan Act (75 Stat. 813: 16 U.S.C. 715k–5) is amended by striking out the first three sentences thereof.

TITLE II—REVENUES FOR MIGRATORY BIRD CONSERVATION FUND

ADMISSION FEES AT CERTAIN REFUGE UNITS

Sec. 201. (a) Notwithstanding the provisions of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897: 16 U.S.C. 460l–4 et seq.), in order to provide additional revenues for the conservation of the Nation's wetland resources, entrance or admission fees may be charged at certain units of the National Wildlife Refuge System designated by the Secretary of the Interior for such fees (referred to in this Act as "designated units").

(b) A valid migratory bird hunting and conservation stamp, as established under the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718a), as amended, ~~or a valid Golden Eagle Passport, as established under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C.~~

~~4601-4 et seq.),~~ shall function as a permit for entry into any designated unit. Use of a valid migratory bird hunting and conservation stamp as a permit under this subsection shall not affect the requirements of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718a), as amended, relating to the taking of migratory waterfowl.

(c)(1) Permits for a single visit to any designated unit shall be made available by the Secretary of the Interior at reasonable admission fees for persons who choose not to purchase an annual permit as provided in subsection (b) of this section. For purposes of this subsection, "single visit" means a more or less continuous stay within a designated unit by a person or group described in subsection (d) of this section. Payment of a single visit admission fee and issuance of a single visit permit shall authorize exits from and re-entries to a single designated unit for a period of from one to fifteen days. Such period shall be defined for each designated unit by the Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit.

(2) Special admission permits for uses such as group activities may be issued in accordance with procedures and at fees established by the Secretary.

~~(2)~~ *(3)* Notwithstanding section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715a), as amended, revenues from permits under this subsection, less 10 per centum to be used—

(A) to defray administrative costs incurred by the Secretary in providing for such permits; and

(B) for the purposes for which the designated units have been established;

shall be paid into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended.

(d) A permittee pursuant to subsection (b) or (c) of this section and any persons accompanying such permittee in a single, private, noncommercial vehicle, or, where entry to the area is by any means other than a single, private noncommercial vehicle, the permittee and any accompanying spouse, children, or parents shall be entitled to general entrance into any designated unit.

(e) The Secretary of the Interior shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person domiciled in, the United States, if such citizen or person applies for such permit, and is blind, or permanently disabled. Such procedures shall assure that such permit shall be issued only to persons who have been medically determined to be blind or permanently disabled for purposes of receiving benefits under Federal law as a result of said blindness or permanent disability as determined by the Secretary. Such permit shall be nontransferable and shall be issued without charge.

(f) The Secretary of the Interior shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person domiciled in, the United States, if such citizen or person applies for such permit, and is sixty-two years of age or older. Such permit shall be nontransferable and shall be issued without charge.

~~(g) Special admission permits for uses such as group activities, or for travel by private, noncommercial vehicle over any road or highway to any land in which a permittee has a property interest if such land is within any designated unit, may be issued in accordance with procedures and at fees established by the Secretary. Revenues from such permits shall be paid into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended.~~

(g) No admission fee shall be charged for travel by private noncommercial vehicle over any road or highway established as part of the National Federal Aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places which are outside the designated unit. Nor shall any fee be charged for travel by private noncommercial vehicle over any road or highway to any land in which such

person has a property interest if such land is within any designated unit.

(h) Any permit authorized by this section shall be nontransferable and shall be available for purchase at any designated unit. Such permit shall not authorize any uses for which fees are charged under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460l–4 et seq.).

(i) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors. Clear notice that a fee has been established pursuant to this section shall be prominently posted at each designated unit and at appropriate locations therein and, to the extent practicable, shall be included in publications distributed at such units.

(j) Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the United States Fish and Wildlife Service and transmitted to the Committee on Merchant Marine and Fisheries of the United States House of Representatives and the Committee on Environment and Public Works of the United States Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Service may have with respect to improving this aspect of the migratory bird conservation fund program.

PRICE OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMP

SEC. 202. Section 2(b) of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718b), as amended, is amended by striking out "$7.50" and inserting in lieu thereof "$10.00" and by striking out "any hunting year" and inserting in lieu thereof "hunting years 1984 and 1985, $12.50 for hunting years 1986 and 1987, and $15.00 for each hunting year thereafter,".

TRANSFERS TO MIGRATORY BIRD CONSERVATION FUND

SEC. 203. Notwithstanding any other provision of law, *an amount equal to the amount of* all import duties collected on arms and ammunition, as specified in subpart A of part 5 of schedule 7 of the Tariff Schedules of the United States, shall, ~~beginning on~~ *after* the date of the enactment of this Act, be paid *quarterly* into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. ~~719d~~ *718d*), as amended.

Sec. 204. For the period beginning on October 1, ~~1983,~~ *1984*, and ending at the close of September 30, ~~1993,~~ *1994*, $75,000,000 shall be paid each year from the land and water conservation fund established under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460l–4 et seq.) into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended.

TITLE III—FINANCIAL ASSISTANCE TO STATES FOR WETLANDS ~~ACQUISITION~~ *CONSERVATION*

Sec. 301. (a) Subsection (b) of section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended, is amended by striking out "subsection (c)" and inserting in lieu thereof "subsections (c) and (d)".

(b) Section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended, is amended by inserting at the end thereof the following new ~~subsection:~~ *subsections:*

~~"(d)(1) For the period beginning on October 1, 1983, and ending at the close of September 30, 1993, the Secretary of the Interior is authorized to provide from the fund financial assistance not to exceed $50,000,000 annually to the States for purposes of wetlands acquisition, as defined in subsection (d)(2) of this section. Payments for such purposes may be made to the States as hereinafter provided, subject to such~~

~~terms and conditions as the Secretary considers appropriate and in the public interest.~~

~~“(2) For purposes of this subsection, the term ‘wetlands acquisition’ means obtaining a property interest in wetlands or associated areas by puchase or lease if obtaining such interest contributes appreciably to the preservation of said wetlands and associated populations of fish, wildlife and plants.~~

~~“(3) Sums available from the fund for wetlands acquisition under this subsection shall be apportioned among the States by the Secretary, whose determination shall be final, on the basis of (i) the ratio which each State’s obligation of funds, other than Federal funds, to wetlands acquisition bears to the total amount of funds, other than Federal funds, obligated by the States to wetlands acquisition during the most recent fiscal year for which the calculation of such funds is practicable, as determined by the Secretary; less (ii) an amount not to exceed 1 per centum of the total of amounts allocated to the States under this subsection, to be used to defray administrative costs incurred by the Secretary in making payments under this subsection. Such apportionments shall be adjusted equitably so that no less than one-half of 1 per centum of the total amount apportioned shall be allocated to each State.~~

“(d)(1) For the purposes of this subsection—

"(A) the term 'wetlands acquisition' means obtaining a property interest in wetlands or associated areas by purchase or lease if obtaining such interest contributes appreciably to the long-term preservation of said wetlands and associated populations of fish, wildlife, and plants;

"(B) the term 'wetlands conservation' means wetlands acquisition or wetlands enhancement;

"(C) the term 'wetlands enhancement' means a project (which may include but is not limited to construction, fresh water flow control, and the introduction of appropriate flora) that will (i) establish a wetland, (ii) increase the size of an existing wetland, or (iii) restore the natural quality of an existing wetland.

"(2) For the period beginning on October 1, 1984, and ending at the close of September 30, 1994, the Secretary of the Interior is authorized to provide from the fund financial assistance not to exceed $50,000,000 annually to the States for purposes of wetlands conservation. Payments for such purposes shall be made to the States as hereinafter provided, subject to such terms and conditions as the Secretary considers appropriate and in the public interest.

"(3) For each fiscal year, sums available from the fund for wetlands conservation under this subsection shall, after deduction by the Secretary of an amount necessary (not to

exceed 4 per centum of the total of amounts allocated to the States under this subsection) to defray the administrative costs incurred by the Secretary in administering this subsection shall be apportioned among the States as follows:

"(i) 50 per centum thereof shall be apportioned on the basis of the ratio, as determined by the Secretary, which each State's obligation of funds other than Federal funds, to wetlands conservation in that State bears to the total amount of funds other than Federal funds, obligated by all such States to wetlands conservation during the most recent fiscal year for which the calculation of such funds is practicable; and

"(ii) 50 per centum thereof shall be apportioned on the basis of the extent to which the respective States propose to carry out wetlands acquisition and enhancement projects that are consistent with the national wetlands priority conservation plan established under subsection (e) of this section.

Apportionments made under this subsection shall be adjusted equitably so that no less than one-half of 1 per centum of the total amount apportioned shall be allocated to each State that elects to avail itself of the benefits of this subsection.

"(4) A State may elect to avail itself of the benefits of this subsection by:

"(A) submitting to the Secretary a comprehensive fish and wildlife resource management plan which shall ensure the perpetuation of these resources for the economic, scientific and recreational enrichment of the people. Such plans will be prepared with opportunity for public comment and provided in a format required by the Secretary which shall be compatible with standards and formats required of States for other fish and wildlife grants administered by the Secretary, particularly the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669 et seq.), Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777 et seq.), and Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.). If the Secretary finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this subsection from funds apportioned under this subsection; or

"(B) submitting to the Secretary full and detailed statements of any wetlands ~~acquisition~~ *conservation* project proposed for that State. If the Secretary finds, after opportunity for public comment, that such project meets with the standards set by him and approves said project, the State shall furnish the Secretary such surveys, plans, specifications, and estimates therefor as may be required. If the Secretary approves the plans, specifications, and estimates for the project, he shall so notify the State within ninety days of receiving said plans, specifications, and estimates and immediately set aside so much of the fund as represents the share of the United States payable under this subsection on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

"(5) The Secretary shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved wetlands ~~acquisition~~ *conservation* plans or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this subsection. No payment of any money apportioned under this subsection shall be made on any comprehensive wetlands ~~acquisition~~ *conservation* plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary.

"(6) When the Secretary finds that any approved project or segment of an approved comprehensive plan has been completed in compliance with approved plans and specifications or an approved comprehensive plan the Secretary shall cause to be paid to the proper authority of such State the amount set aside for said project or plan. The Secretary may from time to time make payments on said project or plan as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications or said comprehensive plan.

"(7) The Secretary may enter into agreements to fund an initial portion of a project and to agree to fund the remaining costs from subsequent apportionments if and when they become available. The liability of the United States in such an agreement is contingent upon the continued availability of funds for the purposes of this subsection.

~~"(7)~~ *"(8)* Any amount of any apportionment under paragraph (3) of this subsection that for any fiscal year remains unobligated at the close thereof shall continue to be available for obligation until the close of the succeeding fiscal year. At the close of such succeeding fiscal year, such amounts shall *be available to the Secretary for one additional fiscal year for obligation, without regard to paragraph (3) of this subsection, to the States to carry out the purposes of this subsection. At the close of this additional fiscal year, any unobligated amounts shall* remain in the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48

Stat. 451; 16 U.S.C. 718d), as amended, and shall become available for expenditure under said Act.

~~"(8)~~ *"(9)* The Secretary is authorized to make rules and regulations for carrying out the provisions of this subsection.

"(e) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Secretary of Agriculture, and the States, shall establish, and periodically review and revise, a national wetlands priority conservation plan which shall specify, on a region-by-region or other basis deemed appropriate by the Secretary, the types of wetlands to which priority should be given with respect to wetlands acquisition and the implementation of enhancement projects. In establishing such priorities, the Secretary shall take into account—

"(1) the significance of the loss or threat of loss of the respective types of wetlands; and

"(2) the contributions which the respective types of wetlands make to—

"(A) wildlife, including endangered and threatened species, migratory birds, and resident species,

"(B) commercial and sport fisheries, and

"(C) surface and ground water quality and quantity, and flood control.".

TITLE IV—WETLANDS INVENTORY AND TREND ANALYSIS

SEC. 401. (a) The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall continue the National Wetlands Inventory Project and shall—

(1) produce, by September 30, ~~1986,~~ *1987,* final National Wetlands Inventory maps for the areas that have been identified by the Service as top priorities for mapping, including the entire coastal zone of the United States, floodplains of major rivers and the Prairie Pothole Region;

(2) produce, by September 30, ~~1988,~~ *1989,* final National Wetlands Inventory maps for those portions of the contiguous United States for which final maps have not been produced earlier;

(3) produce, as soon as practicable, ~~final~~ National Wetlands Inventory maps for Alaska and other noncontiguous portions of the United States; and

(4) produce, by September 30, ~~1985,~~ *1986,* and at ten year intervals thereafter, reports to update and improve the information contained in the report dated September 1982 and entitled "Status and Trends of Wetlands and Deepwater Habitat in the Coterminous United States, 1950's to 1970's".

(b) There is authorized to be appropriated the following sums, to remain available until expended:

(1) ~~$7,000,000~~ *$14,500,000* per fiscal year for the fiscal years beginning on October 1, 1983, and ending at the close of September 30, ~~1986,~~ *1987,* to carry out paragraph (1) of subsection (a) of this section;

(2) ~~$5,000,000~~ *$6,750,000* per fiscal year for the fiscal years beginning on October 1, 1987 and ending at the close of September 30, ~~1993,~~ *1994,* to carry out paragraphs (2) and (3) of subsection (a) of this section; and

(3) ~~$3,000,000~~ *$900,000* per fiscal year for the fiscal years beginning on October 1, ~~1983~~ *1984,* and ending at the close of September 30, ~~1995,~~ *1996,* to carry out paragraph (4) of subsection (a) of this section.

REPORT TO CONGRESS

SEC. 402. (a) The Secretary shall, by September 30, 1985, prepare and submit to the Committees a report regarding wetlands losses in the United States.

(b) The report required under subsection (a) shall contain—

(1) an analysis of the causes of wetlands destruction and degradation;

(2) a compilation and analysis of Federal statutory and regulatory mechanisms, including expenditures and

financial assistance, which induce wetlands destruction or degradation;

(3) a compilation and analysis of Federal expenditures resulting from wetlands destruction and degradation;

(4) an analysis of the environmental and economic impact of eliminating or restricting future Federal expenditures and financial assistance, whether direct or indirect, which have the effect of encouraging the destruction or degradation of wetlands, including but not limited to: public works expenditures; assistance programs such as price support programs, commodity loans and purchase programs and disaster assistance programs; soil conservation programs; and certain income tax provisions.

(5) an analysis of the environmental and fiscal impact of failure to restrict future Federal expenditures and financial assistance which have the effect of encouraging the destruction or degradation of wetlands, including but not limited to: assistance for normal silviculture activity (such as plowing, seeding, planting, cultivating, minor drainage, or harvesting for the production of fiber or forest products); Federal expenditures required incident to studies, evaluations, design, construction, operation, maintenance, or rehabilitation

of Federal water resource development activities, including channel improvements; the commodity loans and purchases program and cotton, feed grain, wheat, and rice production stabilization programs administered by the Department of Agriculture; Federal expenditures for the construction of publicly owned or publicly operated highways, roads, structures, or facilities that are essential links in a larger network or system; and general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (86 Stat. 919; 31 U.S.C. 1221); and

(6) recommendations for the conservation of wetlands resources based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions, Federal actions, and initiatives by private organizations and individuals.

(c) There is authorized to be appropriated $1,000,000 to carry out the provisions of this section, which sum shall be available until expended.

STATEMENT OF J. CRAIG POTTER, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY WALT McALLESTER, JIM GILLETT, AND TOM TAYLOR

Mr. Potter. Mr. Chairman, it is always a pleasure to be here. I am accompanied today by three people who have been very involved in this program and I would like to just mention their names, if I may. Walt McAllester, who is behind me, is the chief of the Fish and Wildlife Service Division of Realty. He is in charge of acquisition in the Fish and Wildlife Service. Jim Gillett is the chief of the Division of Refuge Management and he is basically concerned with the entrance fees question. And Tom Taylor is from the Division of Federal Assistance and is involved in State grant programs.

I have also been asked by Mr. Arnett to convey his regards and his compliments to your very fine staff. We always enjoy working with this committee very much.

I appreciate this opportunity to discuss the Department's views on sections 201 and 204 of S. 1329, Mr. Chairman. S. 1329 would attack the critical problem of wetlands losses on many fronts, particularly by providing for increased Federal acquisition and support for State wetlands conservation programs. We would strongly support the enactment of the bill if it is amended to address some concerns that we have regarding the funding provisions and other portions of the bill.

As you have indicated, and I think as many people are aware, Mr. Chairman, the loss of wetlands is one of the most serious environmental problems facing the Nation today. It has far-reaching implications not only for fish and wildlife resources but also for outdoor recreation, business, and agriculture.

We recently had a study that compared the status of wetlands in the coterminous United States from the 1950's to the 1970's, and we discovered that we are looking at a net loss of 9 million acres during this 20-year period. That is an area about twice the size of the State of New Jersey. We also, in that trend report, learned that we are losing wetlands at a pace of almost one-half million acres a year. These statistics not only correlate with downward trends in waterfowl numbers, but they also translate into huge losses in natural resources and the varied recreation and economic benefits that wetlands provide. And we are just beginning to understand what some of those benefits are.

I think your committee should be commended for taking action in this area and I think you have an excellent opportunity to deal with some major problems.

Last year the administration dedicated its effort to conserve wetlands by beginning its POWDR or "protect our wetlands and duck resources" initiative. That was Secretary Watt's initiative and it was our hope that his proposal would focus widespread public attention on the loss of wetlands. We are pleased that it has started a dialog that has resulted in S. 1329 and its House companion bill, H.R. 3082.

In addition, as you indicated, the fiscal year 1985 budget request reflects our continuing commitment to take action in this area.

And I think it is only necessary that I underscore what you indicated. We requested $20 million for Federal acquisition of wetlands and $7.5 million for the State grants portion of POWDR or the S. 1329 legislation.

Mr. Chairman, we believe that now is the time to take a more comprehensive approach to Federal wetlands acquisition. We recognize that there are numerous different authorities under which wetlands have been acquired, each having their own requirements and limitations; and we discussed this to some extent the other day with Chairman McClure. However, none provide the special mandate or flexibility that a comprehensive wetlands conservation program requires. We believe that S. 1329 provides an opportunity to establish such a comprehensive effort.

I would like to highlight some aspects of section 201 and section 204, which you, we understand, have jurisdiction over.

Section 201 authorizes the Secretary to require a valid duck stamp or other permit for entrance into certain designated units, and I want to underscore that, designated units of the refuge system. The proceeds from of the sale of these stamps or permits would be placed in the Migratory Bird Conservation Fund for the acquisition of migratory bird habitat.

For years waterfowl hunters have generously participated in wetlands conservation and acquisition of the refuge system, and their contribution would be even greater under S. 1329 through a gradual rise in the price of the duck stamp. We are very proud of this unique alliance and we endorse the concept contained in S. 1329 of asking others who enjoy the wildlife and outdoor recreational opportunities of our refuges to join in this partnership.

However, it has become clear that wetlands should not be of concern to just waterfowl hunters and refuge visitors. They provide recreational benefits directly to millions of Americans and natural resources that touch virtually all of our lives.

Section 204 of the bill would transfer $75 million from the Land and Water Conservation Fund to the Migratory Bird Conservation Fund. Title III would authorize the Secretary to provide up to $50 million annually from the Migratory Bird Conservation Fund for grants to States for wetlands conservation. The remainder would be used for Federal acquisition of migratory bird habitat under the migratory bird conservation program.

We endorse the use of the appropriations from the Land and Water Conservation Fund for increased Federal wetlands acquisition and for the program of State wetlands grants. However, we do not support either the automatic nature of the annual appropriation or the $75 million level of funding contained in S. 1329.

In addition, we do not believe that placement of this funding in the Migratory Bird Conservation Fund is necessary. As an alternative, the House bill, H.R. 3082, would eliminate the prohibition on the use of the Land and Water Conservation fund for acquisition of areas authorized by the Migratory Bird Conservation Act, and provide separate authority to acquire wetland habitat guided by a wetlands priority conservation plan developed by the Secretary in consultation with the States—and, incidentally, in consultation with this committee—similar to that described in section 301(e) of S. 1329.

By weighing the loss of specific wetland types, as well as a wide range of their natural resource benefits, this program would be a balanced addition, we believe, to our current efforts to preserve wetland wildlife habitat and related recreational opportunities. In this regard, we would prefer the provisions of H.R. 3082 that would provide a more comprehensive approach.

In summary, as I indicated at the beginning of this statement, the loss of our Nation's wetlands is extremely serious, Mr. Chairman. The administration and Congress have both taken significant steps, we believe, toward realizing a successful wetlands conservation program. We hope to continue working closely with the Congress and with this committee toward the final enactment of comprehensive wetlands conservation legislation during this session.

This is really just a short statement, Mr. Chairman. I have a more lengthy statement that I would ask to have put in the record and I will try to answer your questions. If I cannot, we will try to get somebody who can.

[The prepared statement of Mr. Potter follows:)

STATEMENT OF J. CRAIG POTTER, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, U.S. SENATE, ON S. 1329, EMERGENCY WETLANDS RESOURCES ACT.

MARCH 21, 1984

Mr. Chairman, I appreciate this opportunity to appear today in response to your request for the Department's views on sections 201 and 204 of S. 1329, the Emergency Wetlands Resources Act, as reported from the Senate Environment and Public Works Committee.

S. 1329 would attack the critical problem of wetlands losses on many fronts, particularly by providing for increased Federal acquisition and support for State wetlands conservation programs, and by recognizing that we must take aim at the root causes of wetlands destruction. We would strongly support enactment of S. 1329, if it is amended to address our concerns regarding the funding provisions of the bill. Specific recommendations regarding sections 201 and 204 will be discussed later in this statement.

Perhaps as recently as a decade ago, the word "wetland" conjured up in the minds of some Americans the image of a swamp where alligators and mosquitoes lived, or that of a natural garbage dump to be filled with abandoned cars and old washing machines, or a place to be leveled as quickly as possible for shopping malls or housing developments. Fortunately such attitudes are changing and the Nation is becoming increasingly aware that wetlands are biologically and economically important to the lives of all Americans.

Wetlands contribute to a commercial and recreational fishery harvest valued at several billion dollars annually, and support a major portion of the Nation's multi-million dollar annual fur harvest. Waterfowl depend heavily on wetlands for almost their entire existence. Wetlands also provide habitat for other wildlife, including many threatened and endangered species. Wetlands make recreational opportunities possible for millions of Americans, providing activities such as boating and other water sports, bird-watching, nature study and photography, as well as hunting and fishing. They also provide savings in flood and erosion control, and help to supply the Nation's increasing demand for safe, pure water.

The loss of wetlands, then, is one of the most serious environmental problems facing the Nation today, with far-reaching implications not only for fish and wildlife resources but also for outdoor recreation, business and agriculture. A recent U.S. Fish and Wildlife Service study comparing the status of wetlands in the coterminous United States from the 1950's to the 1970's found a net loss of 9 million acres during this twenty-year period, or an area twice the size of the State of New Jersey. Furthermore, we are continuing to lose wetlands at the pace of nearly one-half million acres every year, an area comparable to half the State of Rhode Island. These statistics not only correlate with downward trends in waterfowl numbers—in the last twenty years, for example, breeding populations of blue-winged teal and pintail have each declined more than 20 percent—they translate into huge losses of all the natural resources and the varied recreation and economic benefits wetlands provide.

This Administration is dedicated to the conservation of America's wetland resources, and in that regard we have searched, and are continuing to search, for new solutions. Last March we transmitted to Congress the "Protect Our Wetlands and Duck Resources Act" (POWDR). It was our hope that this proposal would focus widespread public attention on the loss of wetlands. We are pleased that it has started a dialogue that has resulted in S. 1329 and its House companion, H.R. 3082.

The President's fiscal year 1985 budget request reflects our continuing commitment to take immediate action to stem the tide of wetlands losses. First, the President is requesting $20 million from the Land and Water Conservation Fund (LWCF) for Federal acquisition of approximately 21,000 acres of wetlands. The concept of using the LWCF for this purpose is included in S. 1329. Second, to initiate a State grants program for wetlands conservation similar to that contained in S. 1329, we are requesting $7.5 million in fiscal year 1985. Our budget request also includes $800,000 to undertake a study similar to that contained in S. 1329 to examine the role of Federal subsidies in wetlands destruction. Finally, like S. 1329, we are emphasizing the importance of the Department's wetland mapping effort by requesting $5.2 million, or a $1.5 million increase over fiscal year 1984 funding levels, to continue and improve the National Wetlands Inventory.

Mr. Chairman, we believe a more comprehensive approach to Federal wetlands acquisition is needed. We recognize there are several different authorities under which wetlands have been acquired, but each have their own requirements and limitations; none provide the special mandate or flexibility that a comprehensive wetlands conservation program requires. S. 1329 provides the opportunity to establish such a comprehensive effort; let me highlight those aspects of the bill that we understand may be of particular interest to this Subcommittee.

The migratory bird conservation fund (MBCF) provides funding for the acquisition of habitat important for migratory bird resources, particularly waterfowl. It is currently the primary funding source for Federal wetlands acquisition. Waterfowl hunters have traditionally borne the principal cost of this acquisition program through their purchases of annual Migratory Bird Hunting and Conservation Stamps (duck stamps). This year marks the 50th anniversary of the duck stamp program. Since 1934, waterfowl hunters and other conservationists who have purchased these stamps have contributed $270 million to the fund toward the purchase of 3.5 million acres of migratory bird habitat for the National Wildlife Refuge System. In recent years, receipts to the fund have averaged $14-16 million annually. In fiscal year 1985, we estimate approximately $16 million will be available from the fund for the acquisition of migratory bird habitat.

Section 201 would authorize the Secretary to require a valid duck stamp or other permit for entrance into certain designated units of the refuge system. The proceeds of the sale of these stamps or permits would be placed in the MBCF for the acquisition of migratory bird habitat. For years, waterfowl hunters have generously participated in wetlands conservation and acquisition of the refuge system, and their contribution would be even greater under S. 1329 through a gradual rise in the price of the duck stamp. We are extremely proud of this unique alliance, and we endorse the concept contained in S. 1329 of asking others who enjoy the wildlife and outdoor recreational opportunities of our refuges to join in this partnership.

This migratory bird acquisition program is a very important effort and, as I stated, we support these provisions of S. 1329 to increase MBCF revenues. However, based on these funding sources, the MBCF would remain relatively fixed and would not provide the flexibility to acquire some large, very important tracts. Moreover, this program is aimed at protection of only one wetland-related resource, albeit a critical one.

It has become clear that wetlands should not just be of concern to waterfowl hunters and refuge visitors. As I have pointed out, wetlands provide recreational benefits directly to millions of Americans and natural resources that touch virtually all of our lives. S. 1329 recognizes this country's great stake in wetlands conservation by authorizing increased use of the Land and Water Conservation Fund (LWCF), breaking through the barrier that is sometimes drawn between wetlands and other LWCF programs. Wetlands conservation is certainly consistent with the purposes of the LWCF to preserve outdoor recreation resources and to strengthen the health and vitality of our citizens. It is not our intent, nor do we believe it is the intent of the authors of S. 1329, to minimize the importance of other programs supported by the Land and Water Conservation Fund. It is simply that the need for a comprehensive Federal/State wetlands program also demands attention at this crucial juncture.

Section 204 of S. 1329 would transfer $75 million from the LWCF to the migratory bird conservation fund. Title III would authorize the Secretary to provide up to $50 million annually from MBCF for grants to States for wetlands conservation. The remainder would be used for Federal acquisition of migratory bird habitat under the MBCF program.

We endorse use of the LWCF appropriation for increased Federal wetlands acquisition and a program of State wetlands grants. However, we do not support either the automatic nature of the annual appropriation or the $75 million level of funding. We therefore recommend that: (1) the provision for Federal acquisition of wetlands by the Fish and Wildlife Service be amended to authorize appropriations from the LWCF of $20 million in FY 1985; (2) the provision for State grants be amended to authorize appropriations from the LWCF of $7.5 million in FY 1985; and (3) that both provisions provide for an authorization of such sums as may be necessary for these programs in subsequent fiscal years.

In addition, we do not believe that placement of this funding in the migratory bird conservation fund is necessary. As an alternative, H.R. 3082 would eliminate the prohibition on use of the LWCF for acquisition of areas authorized by the Migratory Bird Conservation Act, and provide us separate authority to acquire wetland habitat guided by a wetlands priority conservation plan developed by the Secretary in consultation with the States, similar to that described in section 301 (e) of S. 1329. By weighing the loss of specific wetland types, as well as a wide range of their natural resource benefits, this program would be a balanced addition to our current efforts to preserve wetland wildlife habitat and related recreational opportunities. In this regard, we would prefer the provisions of H.R. 3082 that would provide a more comprehensive approach to this Federal acquisition program.

Likewise, while we strongly endorse the recognition that S. 1329 gives to the importance of State participation in resolving this problem, we believe the State wetlands grant program need not be administered out of the migratory bird conservation fund. Under S. 1329, grants would be available to pay 75 percent of wetlands conservation projects, including acquisition, preservation and enhancement. Half of the money would be apportioned on the basis of State expenditures for wetlands conservation in the most recent year of record, compared to other States. The other half would be disbursed by the Secretary for priority State projects in accordance with a wetlands priority conservation plan.

Four percent is authorized for Federal administrative costs. With our recommended amendments, we believe this program would be an appropriate means of encouraging States to develop their own wetlands conservation programs and fostering Federal and State cooperation towards this goal.

In summary, the loss of our Nation's wetlands is an extremely serious problem. The Administration and Congress have both taken significant steps toward realizing a successful wetlands conservation program. We hope to continue working closely with the Congress towards the final enactment of fiscally prudent comprehensive wetlands conservation legislation during this session.

That concludes my prepared statement, Mr. Chairman, I would be pleased to answer any questions you or other Subcommittee members might have.

Senator WALLOP. One of the problems that strikes me that we have with the wetlands acquisition and protection is the same kind of problem that we have with trying to develop a comprehensive energy policy in the country. There are just team players, too many committees of Congress and elements of the executive branch that have a role in it and I am not saying in any way that they should not, but it keeps us out of the posture of being able to, one, prioritize and, two, maximize the economic effort that the United States can bring to bear on this.

I think, as you well know, there are times when one agency or another does not have enough money to acquire enough wetlands to make a difference and another agency does not have one in its lands waiting to be acquired. I do not know quite what to do about it. This legislation only partly helps here. In the long run I think if there is some way in which we could get an interagency task force that would help, but we would have the same problem that you see us faced with right here remaining, and that is joint referrals and other problems.

I am not anxious to take on any more for this committee than it already has.

One of the things that would help us deal with being held hostage in the House right at the moment, and that is at least at the moment the inactivity surrounding the new National Outdoor Recreation Commission. Clearly, that is part of its challenge to provide us with a road map to more effective use of the resources of the country.

My biggest problem on what is happening out there now is the diffusion of effort and the lack of ability to concentrate the resources that the country can bring to bear on these acquisition programs.

Your statement, if you could just clarify for me a little, with regards to the $75 million annual appropriation, could you expand on the administration's position on that?

Mr. **Potter**. Yes, sir. The $75 million appropriation was established by congressional committees. The request that we initiated in POWDR was not that high and, actually Federal acquisition was something that we, more or less, wanted to look at after we looked first at the elimination of subsidies that encouraged the conversion of some of these areas. That, incidentally relates to a provision in our fiscal year 1985 budget to do some studies on the incentives that exist. That was one of Secretary Watt's concerns.

Another of his concerns was that we be as comprehensive as possible in addressing the conservation easement aspect of this, encouraging the private sector to donate areas that are privately owned. And in many cases, what we have now are large chunks of land, in some cases hundreds of thousands of acres, that are privately owned.

Land acquisition is, of course, the traditional solution that we look at, and it is becoming very expensive. The proposal that we have in the fiscal year 1985 budget—well, we do not have a $75 million request, we have a $57.5 million request for the Fish and Wildlife Service. Thirty million dollars of that would fall under the existing authority in the Land and Water Conservation Fund, which is broken down into four categories. Twenty-seven and one-half million dollars then, are requested in conjunction with the passage of this authorization; $20 million of that would go for Federal wetland acquisition and in our fiscal year 1985 budget we have identified four priority areas; and $7.5 million would be made available to the States as a wetlands grant program, as I mentioned, after working with the committee and with others to define how that money would be made available.

That basically is the outline of our approach, but some committees of Congress, in both the House and the Senate, have taken a different approach. In the House they authorized $75 million to be appropriated. Up to two-thirds of that money would be State grant money that would be made available on a 75 percent Federal, 25 percent State basis. Half of the grant money would be made available based upon prior State expenditures for wetlands conservation, the other half would be based upon this priority plan that I already mentioned. And at least one-third of the money would be made available for Federal acquisition also keyed to that prioritization plan.

The Senate Environment and Public Works Committee approach is to have an automatic appropriation, not subject to normal appropriations, of $75 million, with up to two-thirds to the States with a similar formula to that contained in the House bill. The one-third that would be used by the Federal Government would be put into the Migratory Bird Conservation Fund, and not be used based on the priority conservation plan. And that is the difference between the Senate bill and the House bill as regards the Federal money.

Essentially, that is the scenario for the acquisition money.

Senator **Wallop**. One of the things we cannot do in this legislation, we do not have the time to, but I have been suggesting around and talking to some people from the Treasury, there is another committee that has reached into this concept and that is with regards to certain tax benefits that can be achieved by the donation of eastlands or even properties.

I have long had a feeling that less than fee acquisition is very much in the interest of a country that is funding its budget dollars stretched in every dimension for lots of priorities that we all can prescribe to individually, but collectively can add up to a problem.

I have talked with somebody from the Treasury and she carried it back in a conversation and maybe by next year we may be able to do it. It occurs to me that there should be some kind of mechanism that we could devise by which in this committee's budget authorization process we might be able to authorize certain levels of tax expenditures to the acquisition of donations or less than fee arrangements for easements and what have you. The Fish and Wildlife Services, National Parks and what have you, are backlogged, and acquisitions in this country do not run only to wetlands, as you know. We have, depending on whose estimates you listen to, anywhere between $2 billion and $4 billion worth of national park lands that have been authorized but the appropriating of them has not yet been heard by the Congress and we are in a position where we have executed the most unfair kind of taking that can possibly exist, a situation in which the person who owns the piece of property cannot sell it because it is authorized for addition to the National Park System or resident system, and can't develop it for the same reason.

The only thing he can do is pay taxes on it until Congress gets around in its wisdom to making money available for it. My concern over and above the unfairness of that, and that concern is very real and I have expressed it numerous times is that at some moment in time somebody is going to take us to court as a country on one of these issues and all of what we have done is going to be thrown out or we are going to be forced into an emergency acquisition program of $2 to $3 to $4 billion to erase the backlog, neither one of which does any good for the prospective and orderly acquisitions of these lands.

The conversations at that level are just beginning as to how we can do it. But in the workshops that I conducted in this committee, we found throughout the country some rather remarkable State programs which worked. The California Coastal Commission Program, where they acquired certain properties in fee, attached the easement to it that they wanted, and put them back on the market and sold them into private ownership and remained on the tax rolls. People who owned the property fully understood what it was they were able to do with it and the cost of acquiring the State protection was far less than the testimony that the government agencies gave to us that they acquired less than fee for about 85 to 95 percent of the fee.

California's experience was that it cost them about the opposite, 15 to 20 percent, to acquire their protection and the tax of the property was turned to the tax rolls and people were quite satisfied with it.

We just have to find a better way, a cheaper way in order to acquire what I feel is our national obligation to acquire if we are going to protect these. So we will conduct the rest of that conversation. Obviously, it requires the Finance Committee's blessing on this and we are, as you can imagine are not on easy times doing that.

But still if we can unlock that puzzle just enough to say, all right, whatever the figure, if it is going to be $75 million for fee acquisition, it might be that we will be able either to authorize either an addition or some portion of that as expenditures, and see if we cannot get more protection for less Federal dollars.

It is not going to be easy because it requires changing the thinking of the public sector of public land acquisition, in which fee title seems to be the only solution.

Mr. POTTER. Well, your leadership, Mr. Chairman, has been instrumental and your guidance in workshops sponsored by this committee has been very helpful to us in developing a more balanced land acquisition program. As far as the tax expenditure question is concerned, we looked earlier at how to bring that into this wetlands initiative and because of the fractionated problem and the joint jurisdiction of other committees we have decided to try to approach that on a separate front and we are doing that.

It is interesting you mentioned the possibility of looking at an authorization or this committee's involvement in determining some level of tax credits that might be established. I think an alternative possibly is to understand better than we do what is gained as a result of those donations, what kind of economic offset do we create, because we always look at the revenue lost. We are not able to quantify what the opposite gains are when we establish those conservation easements.

Secretary Clark is very interested in the conservation easement approach and possible modification of the implementation of other FWS programs. It is not necessarily within the context of this effort, but it is something in which the department is very much involved.

Senator WALLOP. One of the other things that I think we have to do and I recognize how difficult it is and how long it is going to take us to do it, is get rid of the emotional judgment that attaches to the disposition of Federal lands. It seems to me if we can get the Federal interest protected, whether that is public access or protection or whatever it is and we can reduce our inventory to satisfy some of these other unmet needs that this would be in the public interest. But you have only to mention the fact that we might dispose of the fee title to some of these lands to create a firestorm where nobody thinks any longer.

If we could do it in such a way as to persuade the public and to be effective in delivering the promise that has persuaded the public, we could do a lot more protection than we can right now and get rid of what I consider is the genuine moral dilemma and indeed the moral front of all constitutionally devoted Americans who think their ongoing property taxes have some meaning.

We have got an awful long way to go in order to accomplish this, but at least the dialog is somewhat different than it was.

Senator Chafee, do you have something?

STATEMENT OF HON. JOHN H. CHAFEE, A U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator **Chafee**. Yes, Mr. Chairman. First of all, I would like to thank you for holding these hearings and I want to join with Mr. Potter in his tribute to you in the work you have done in these areas. This legislation, as perhaps you know, is legislation that I introduced and had a good hand in fabricating. So naturally I think it is good legislation.

It does not mean that it is something that cannot be improved upon and obviously that is what we are seeking here. This bill was reported out of the Environmental and Public Works Committee by a vote of 15 to nothing. We had some good hearings, actually out in your section of the world, out in your section of the country, in South Dakota with Senator Abdnor, plus we had hearings here.

So I am interested in it and I appreciate your concern and your active participation in this whole undertaking. I commend Mr. Potter for his statement. I know, Mr. Chairman, just touching on a subject you are dealing with and that is taking title of less than fee, I think we should tip our hats to the Fish and Wildlife people for the imaginative way they have taken land and in a whole variety of different proposals where the donor has a life tenancy and all kinds of arrangements that have shown tremendous flexibility. I think that is good and that is obviously what you are driving at.

I think it is a tough situation where we have kept these people in limbo. As I recall in the Finance Committee, you particularly outlined the situation where valuations were placed on a large part of the land but if the person wants to give to the Government one section which is particularly usable for caribou or elk or whatever it is to traverse, they cannot have the true value of that land as a gift, because of the overall part of the land is only a hundred dollars an acre, whereas in this particular section, indeed it is worth considerably more than that.

So these are all problems we are working on. I look forward—unfortunately I cannot stay too long, but I look forward to hearing some of the panels coming up.

[The prepared statement of Senator Chafee follows:]

Statement of Hon. John H. Chafee, a U.S. Senator From the State of Rhode Island

Mr. Chairman. You should be commended for holding this hearing on sections 201 and 204 of S. 1329, the Emergency Wetlands Resources Act. Your dedication to and interest in conservation issues serves as a model for all of us.

Unfortunately, my schedule makes it impossible for me to stay for the hearing but I would like to make a brief statement.

S. 1329 is a good bill. As a member of the Committee on Environment and Public Works, I am proud of the fact that we heard from more than 75 witnesses at hearings in Washington, D.C. and in South Dakota. The Committee's endorsement of the bill by a rollcall vote of 15–0 was particularly gratifying. As a member of this Committee and Subcommittee, I look forward to looking at sections 201 and 204 from another perspective.

It should be noted that this is an emergency act. It is not an entitlement program and is not designed to run in perpetuity. The life span of this accelerated acquisition program is limited to 10 years.

Some may ask "why are wetlands special, what is the emergency?" Our first witness, Mr. Potter, the Deputy Assistant Secretary for Fish, Wildlife and Parks, has a statement that explains the economic and social importance of wetlands. His statement also cites the most recent estimates we have concerning the alarming rate of wetlands loss. The fact that much of that loss is "natural" highlights the needs to prevent "man-induced" losses and to preserve what we can as quickly as we can. If we fail to act today we may not have the chance tomorrow.

To many people, "wetlands" are synonymous with "ducks". In addition to their many other values, wetlands are "duck factories". During the 1950's the Department of the Interior, the States, and the International Association of Fish and Wildlife Agencies jointly determined that 12.5 million acres of waterfowl habitat needed to be under State and Federal control and managed to maintain waterfowl populations that existed then. The responsibility for acquiring this habitat was split with the Federal share placed at 8 million acres—including 3.5 million already owned. The U.S. Fish and Wildlife Service determined during 1976 that 1.95 million acres of the Federal portion of waterfowl habitat remained to be acquired and that those acres should be preserved during a 10-year period between fiscal year 1977 and fiscal year 1986. In the first seven years of the 10-year period, the Fish and Wildlife Service will have acquired only about 18 percent of the 1.95 million acres of waterfowl habitat identified for Federal acquisition. Similarly the States have acquired only about 18 percent of the acreage identified for State acquisition. Clearly, we need to do a better job of meeting our goals.

The Federal Government would need to spend an average of $140 million per year to accomplish the current acquisition goal of 1.6 million acres in a new 10-year period—it was originally supposed to have been completed in 1986. With or without this bill, we will not be able to satisfy our original goals. The Emergency Wetlands Resources Act will provide, for an emergency 10-year period, approximately $50 million per year for Federal acquisition and an additional $50 million per year for State acquisition. Of this, approximately $25 million per year will be raised from user fees and $75 million per year will come for the existing land and water conservation fund which contains $900 million each year consisting primarily of offshore oil and gas revenues. The effect of the failure to meet our original goals will be lessened by enactment of legislative proposals such as your bill, Mr. Chairman, S. 1675, which is based on the Tax Treatment Extension Act of 1980, the foundation for gifts for conservation purposes and increased dedication of private lands to wetland uses.

No discussion of wetlands would be complete without reference to the major Federal provision, enacted in 1972, for the protection of wetlands—Section 404 of the Clean Water Act. In 1972, a new role in wetlands maintenance was established, that of regulator of wetlands development. Permit requirements under the U.S. Army Corps of Engineers' regulatory authority of section 404 of the Act extend to all waters of the United States, including wetlands. This legislation (S. 1329) cannot and should not be viewed as a substitute for a strong section 404 program. This bill is designed to augment, not replace, existing programs. Conversely, failure to enact this bill or to significantly accelerate Federal and State wetlands acquisition programs will force increased reliance upon regulatory programs such as the 404 program to control the unacceptable rate of weltands loss.

Thank you, Mr. Chairman.

Senator WALLOP. Thank you.

Thank you, Craig. I think that satisfies our need for the administration's position.

Let me call the next panel and let me ask you, Senator Chafee, just one thing. I have a State constituent in our office that I would like to see.

Senator CHAFEE. Sure, I will tell you what, that is fine with me. I have some school children from my State that will be here at 3:30. I can stay right through then.

Senator WALLOP. I would appreciate that.

Mr. POTTER. Thank you, Mr. Chairman. It is good to be here. We will try to clear up some of these questions for you in the record.

[Subsequent to the hearing the committee received the following information:]

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR - 3 1984

Honorable James A. McClure
Chairman, Committee on Energy and
  Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for our views on sections 201 and 204 of S. 1329, the "Emergency Wetlands Resources Act," as reported by the Committee on Environment and Public Works.

We recommend enactment of S. 1329, if it is amended to address our concerns regarding the funding provisions of the bill.

This Administration is dedicated to the conservation of America's wetland resources, and in that regard we have searched, and are continuing to search, for new solutions. Last March we transmitted to Congress the "Protect Our Wetlands and Duck Resources Act" (POWDR). We are pleased that, in large part, the POWDR proposal has been able to serve as the foundation for S. 1329 and a similar House bill, H.R. 3082. All three bills would, among other provisions, authorize entrance fees at certain units of the National Wildlife Refuge System with deposit of the receipts into the migratory bird conservation fund and provide assistance to the States for wetlands conservation efforts.

The President's fiscal year 1985 budget request reflects our continuing commitment to take immediate action to stem the tide of wetlands losses. First, the President is requesting $20 million from the Land and Water Conservation Fund (LWCF) for Federal acquisition of wetlands. This concept is also included in S. 1329. Second, to initiate a State grants program for wetlands conservation similar to that contained in S. 1329, we are requesting $7.5 million in fiscal year 1985. Our budget request also includes $.8 million to undertake a study similar to that contained in S. 1329 to examine the role of Federal subsidies in wetlands destruction. Finally, like S. 1329, we are emphasizing the importance of the Department's wetland mapping effort by requesting $5.2 million, or a $1.5 million increase over fiscal year 1984 funding levels, to continue and improve the National Wetlands Inventory.

We do, however, have concerns with some of the provisions of S. 1329. We do not support either the automatic nature of the annual appropriation provided for in section 204 of the bill or the $75 million level of funding. In addition, we do not believe that placement of this funding for Federal wetlands acquisition and State wetlands grants in the migratory bird conservation fund is necessary. We would prefer the provisions of H.R. 3082 that would eliminate the prohibition on use of the LWCF for acquisition of areas authorized by the Migratory Bird Conservation Act and provide a more comprehensive approach to our Federal wetlands acquisition program. Finally, we oppose the provision to earmark import duties on arms and ammunition. We have enclosed proposed amendments to S. 1329 to address these concerns.

Wetlands provide biological, economic, and recreational benefits to all Americans. They contribute to a commercial and recreational fishery harvest valued at several billion dollars annually, and support a major portion of the Nation's multi-million dollar annual fur harvest. Waterfowl depend heavily on wetlands for almost their entire existence. They also provide habitat for other wildlife, including many threatened and endangered species. Wetlands make open space recreation possible for millions of our citizens, providing activities such as boating and other water sports, bird-watching, nature study and photography, as well as hunting and fishing. They also provide savings in flood and erosion control, and help to supply the Nation's increasing demand for safe, pure water.

The loss of wetlands, then, is one of the most serious environmental problems facing the Nation today. A recent U.S. Fish and Wildlife Service study comparing the status of wetlands in the coterminous United States from the 1950's to the 1970's found a net loss of 9 million acres during this twenty-year period, or an area twice the size of the State of New Jersey. Furthermore, we are continuing to lose wetlands at the pace of nearly one-half million acres every year, an area comparable to half the State of Rhode Island. These statistics not only correlate with downward trends in waterfowl numbers, they translate into huge losses of all the natural resources and the varied recreation and economic benefits wetlands provide.

S. 1329 would attack this critical problem on many fronts, by providing for increased Federal acquisition and support for State wetlands conservation programs, and by recognizing that we must take aim at the root causes of wetlands destruction.

Specifically, section 201 would authorize the Secretary to require a valid duck stamp or other permit for entrance into certain designated units of the refuge system, the proceeds of which would be dedicated to the migratory bird conservation fund (MBCF). The MBCF provides funding for the acquisition of habitat important for migratory bird resources, particularly waterfowl, and is currently the primary source of funding for Federal wetlands acquisition. For years waterfowl hunters have borne the principal cost of this acquisition program through the purchase of duck stamps, and their contribution would be even greater under S. 1329 through a gradual rise in the price of the duck stamp. We support the concept contained in section 201 of asking others who enjoy the wildlife and outdoor recreational opportunities of our refuges to join in this partnership for conservation.

However, this is a problem of concern not just to waterfowl hunters and refuge visitors. As noted above, wetlands provide recreational benefits directly to millions of Americans and natural resources that touch virtually all of our lives. S. 1329 would recognize this country's great stake in wetlands conservation by providing increased use of the LWCF for wetlands conservation efforts. Section 204 would transfer $75 million from the LWCF to the MBCF. Title III would authorize the Secretary to provide up to $50 million annually from the MBCF for grants to States for wetlands conservation. The remainder would be used for Federal acquisition of migratory bird habitat under the MBCF program.

We endorse increased use of the LWCF appropriation for wetlands conservation. However, we recommend that: (1) the provision for Federal acquisition of wetlands by the Fish and Wildlife Service be amended to authorize appropriations from the LWCF of $20 million in FY 1985; (2) the provision for State grants be amended to authorize appropriations from the LWCF of $7.5 million in FY 1985; and (3) that both provisions authorize of such sums as may be necessary for these programs in subsequent fiscal years.

In addition, placement of the LWCF appropriation in the MBCF is not necessary. We believe a more comprehensive approach to Federal wetlands acquisition is also needed. The MBCF provides funding for acquisition under two authorities. The Migratory Bird Conservation Act of 1929 (16 U.S.C. 715 et seq.) provides general authority for acquisition of habitat for migratory birds. Often, much of the acreage acquired under this authority is upland nesting and feeding habitat. The Migratory Bird Hunting and Conservation Stamp Act of 1934 (16 U.S.C. 718 et seq.) authorizes the acquisition of waterfowl production areas, small parcels located in the upper midwest region of the country. These are very important programs, and as discussed above, we support increasing the MBCF through entrance fees at designated refuges and a gradual increase in the price of the duck stamp. However, while we have acquired wetlands under these authorities, they are aimed primarily at the conservation of migratory bird habitat including uplands, not the conservation of wetlands per se or the other natural resource benefits that wetlands provide.

There are several other authorities under which wetlands have been acquired, but each has its own requirements and limitations; none provides the special mandate or flexibility that a comprehensive wetlands conservation program requires. The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) presently authorizes funding for Fish and Wildlife Service acquisition under (1) the Endangered Species Act; (2) the Refuge Recreation Act; (3) the Fish and Wildlife Act; and (4) special establishing legislation. Only about 14 percent of the funding appropriated from the LWCF to the Fish and Wildlife Service has been appropriated for wetlands conservation.

Areas acquired under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) must be habitat for listed species. Only 5 percent of the money appropriated under this authorization has been used to acquire wetlands.

The Refuge Recreation Act (16 U.S.C. 460k et seq.) authorizes acquisition of lands adjacent to or within an established refuge area, primarily for recreational purposes; it does not authorize acquisition of new wetlands units. Since 1967 only 4,000 wetland acres have been acquired under this authority.

The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) authorizes the Secretary of the Interior to conserve and protect fish and wildlife resources through a variety of means, including acquisition. It provides no explicit authority to establish a wetlands conservation program. Furthermore, by specific provision in the Land and Water Conservation Fund Act, the LWCF cannot be used to purchase areas under this authority that would qualify for acquisition under the Migratory Bird Conservation Act. This has precluded the use of LWCF funds for acquisition of most wetland areas currently identified by the Service and, thus, only 10 percent of the funding appropriated pursuant to this authority has been for wetlands acquisition.

A handful of refuges have been established by special legislation. Approximately one-third of the funding appropriated for refuges established pursuant to special legislation has been used for the preservation of wetland areas.

Other programs also touch on wetlands conservation. For instance, the Service's Federal aid programs, commonly known as the Pittman-Robertson and Dingell-Johnson programs, provide assistance to States for a broad range of management, research, and land acquisition activities. However, these programs must serve all species of wild birds, wild mammals and sport fish. Only 5 percent of the apportionments made to the States under these programs have been used to acquire wetlands.

We believe that the similar House bill, H.R. 3082, as reported from three House Committees, would provide a rational solution to this piecemeal approach. H.R. 3082 would eliminate the prohibition on use of the LWCF for acquisition of areas authorized by the Migratory Bird Conservation Act and provide us separate authority to acquire wetland habitat guided by a wetlands priority conservation plan developed by the Secretary in consultation with the States, similar to that described in section 301(e) of S. 1329. By weighing the loss of specific wetland types, as well as a wide range of their natural resource benefits, this program would be a balanced addition to our current efforts to preserve wetland wildlife habitat and related recreational opportunities. In this regard, we would prefer the provisions of H.R. 3082 that would provide a more comprehensive approach to this Federal acquisition program.

Likewise, while we strongly endorse the recognition that S. 1329 gives to the importance of State participation in resolving this problem, we believe the State wetlands grant program need not be administered out of the migratory bird conservation fund. Under S. 1329, grants would be available to pay 75 percent of wetlands conservation projects, including acquisition, preservation and enhancement. Half of the money would be apportioned on the basis of State expenditures for wetlands conservation in the most recent year of record, compared to other States. The other half would be disbursed by the Secretary for priority State projects in accordance with a wetlands priority conservation plan. Four percent is authorized for Federal administrative costs. In keeping with our belief that this program need not be placed in the MBCF, we also suggest that unobligated funds be used to assist other eligible States, rather than placed in the MBCF. With our recommended amendments, we believe this program would be an appropriate means of encouraging States to develop their own wetlands conservation programs and fostering Federal and State cooperation towards this goal.

In summary, the loss of our Nation's wetlands is an extremely serious problem. The Administration and the Congress have both taken significant steps toward realizing a successful wetlands conservation program. We believe that enactment of S. 1329 with the amendments we recommend would illustrate the very real benefits that cooperation between the Administration and the Congress can provide—to both our vital natural resources and the citizens of the Nation.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

G. Ray Arnett
ASSISTANT SECRETARY

Enclosure

RECOMMENDED DEPARTMENT OF THE INTERIOR AMENDMENTS TO S. 1329, AS REPORTED

On page 11, strike out lines 16 through 24.

On page 12, strike out lines 1-8 and insert in lieu thereof the following:

FEDERAL WETLANDS ACQUISITION

SEC. 203. (a) The Secretary of the Interior is authorized to carry out Federal wetlands acquisitions that are consistent with the wetlands priority conservation plan established under section 302 of this Act. Each area acquired by the Secretary under this section shall be included within the National Wildlife Refuge System.

(b) There is authorized to be appropriated from the Land and Water Conservation Fund $20 million in fiscal year 1985 and such sums as may be necessary in subsequent fiscal years through fiscal year 1994 to carry out the purposes of this section.

SEC. 204. Section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9(a)(1)) is amended by striking out "except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715-715s)".

Beginning on page 12, line 12, strike out "Subsection (b)" and all that follows through ""(d)(1)" on page 13, line 24. On page 13, line 24, strike out "subsection" and insert in lieu thereof "section". Beginning on page 14, line 1, and all that follows through page 19, line 4, redesignate each subdivision accordingly, strike out each quotation mark that appears therein, and strike out the word "subsection" each place it appears and insert in lieu thereof "section".

On page 14, strike out line 15 and all that follows through "conservation." on line 19 and insert in lieu thereof the following:

(b) The Secretary is authorized to provide financial assistance to the States, for purposes of wetlands conservation.

On page 14, line 22, after "interest." add the following new sentence: "To carry out the purposes of this section there is authorized to be appropriated to the Secretary from the Land and Water Conservation Fund not to exceed $7,500,000 in fiscal year 1985 and such sums as may be necessary in subsequent fiscal years through fiscal year 1994."

On page 15, line 18, strike out "(e) of this section" and insert in lieu thereof "302 of this Act".

On page 18, lines 14-15 and 20, strike out "paragraph (3)" each place it appears and insert in lieu thereof "subsection (c)".

On page 18, line 19, strike out "for one additional fiscal year" and beginning on line 21, strike out "At" and all that follows through page 19, line 2.

On page 19, line 5, strike out ""(e)" and insert in lieu thereof "SEC. 302."

On page 19, beginning on line 12, strike out "wetlands acquisition and the implementation of enhancement projects" and insert in lieu thereof "implementation of sections 203 and 301".

On page 19, lines 15, 17, 19, 22, and 23, strike out the quotation marks, and on line 24, strike out the quotation marks and final period.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Honorable Malcolm Wallop
Chairman, Public Lands and
Reserved Water Subcommittee
United States Senate
Washington, D.C. 20510

Dear Senator Wallop:

Enclosed is the response to the question submitted by Senator Dan Evans as requested in your letter of March 22, 1984.

Please advise if we can be of any further assistance.

Sincerely,

G. Ray Arnett
Assistant Secretary for Fish
and Wildlife and Parks

Enclosure

QUESTION SUBMITTED BY SENATOR DAN EVANS

Question: What would be the impact on wetlands acquisition if the funding provided for in S. 1329 is administered through the Migratory Bird Conservation Fund, i.e., how many wetlands would be excluded under the more narrow criteria of the Migratory Bird Conservation Fund? Please provide an estimate of the acreage that might be excluded, the location of such areas and their environmental importance.

Answer: Section 202 of S. 1329 calls for a National wetlands priority conservation plan to be developed. Until this is completed, the parameters of the Federal/State wetland protection needs cannot be accurately determined. The attached list was derived from Service wildlife habitat protection plans. The areas were selected, in line with pending legislation, on the basis of their broad support of wildlife and fish resources, their capabilities to perform such major wetland functions as flood abatement, water recharge, nutrient trapping and food chain support and their support of wetland-oriented recreational/educational opportunities.

This list generally does not include areas of known acquisition interest by the States; another 1.3 million acres meeting the broad wetland criteria, but suitable for funding by the MBCF as they are areas of obvious benefit to waterfowl; and other important but predominantly upland wildlife habitats.

PRIORITY WETLANDS NOT MEETING TRADITIONAL MBCF CRITERIA

Resource Area	States	Wetland Types	Acreage	Resource Values
Pacific Coast	CA	Coastal bays and estuaries	89,000	Major migration and wintering areas for shorebirds and raptors; habitat for marine mammals; spawning and nursery grounds for herring, salmonids, flounder, smelt, bass and shellfish.
Gulf Coast	TX AL MS FL	Major river deltas	189,000	Very high values for shorebirds, wading birds, raptors, furbearers, reptiles, amphibians, crabs, oysters and finfish, including several endangered species.
Atlantic Coast	ME RI PA DE VA	Coastal wetlands	10,500	Migration and wintering areas for shorebirds, wading birds and raptors; nursery and spawning areas for shellfish and finfish. Provide recreational/educational opportunities for East Coast population centers.
Great Basin and desert wetlands	OR CA NV AZ NM TX	Desert marshes, springs and river systems	108,000	Support the rich wildlife and plant communities of western wetlands, including many endangered and threatened species.
Great Plains wetlands	ND SD NE CO OK TX	River bottoms, marshes and playas	244,000	Breeding, migration and wintering habitat for cranes, shorebirds and raptors; and habitat of western river fisheries. Perform flood abatement and nutrient trapping functions.

Resource Area	States	Wetland Types	Acreage	Resource Values
Eastern wooded swamps	IA IL IN MN OH WI NH ME NJ NY VA WV	Bottomland swamps, bogs and pocosins	143,000	Support the cross-section of wetland wildlife including important fish populations. Provide significant nutrient trapping, flood abatement and water recharge functions and provide recreational/educational opportunities to metropolitian areas.
Southern wooded swamps and rivers	NC SC GA FL LA TN	Wooded river bottoms and swamps	719,000	Support cross-section of wildlife of these states including important wading bird, raptor, mammal and fish populations. Provide nutrient trapping and flood abatement functions.
Islands	PR HI	Lagoons and swamps	9,000	Support significant populations and diversities of wetland wildlife of the islands including wading birds and shorebirds.
		TOTALS	1,511,500	

Senator WALLOP. I appreciate that. Thank you.

The next panel consists first of Wes Hayden, International Association of Fish and Wildlife Agencies; Bob Davison, legislative representative, National Wildlife Federation; Barry Tindall, National Recreation and Park Association; Bill Reffalt, director of the Wildlife Refuge Programs, the Wilderness Society; and Lonnie Williamson, secretary of the Wildlife Management Institute.

STATEMENT OF WES HAYDEN, LEGISLATIVE COUNSEL, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. HAYDEN. Senator, it is certainly good to see you again and I am not going to introduce myself or the organization, because you are very familiar with whom we represent and what we stand for, so I will just go from there.

Senator WALLOP. I will be right back.

Senator CHAFEE [presiding]. Why don't you start off, Mr. Hayden. I think if you could limit your statement to about a little less than 5 minutes and summarize your statement. It will all go in the record.

Mr. HAYDEN. I will do my best.

Senator CHAFEE. Go to it, Mr. Hayden.

Mr. HAYDEN. Thank you, Senator. The issue that we are talking about today is a matter of great concern to the International Association, the disappearance of precious wetlands. We have been involved in that issue for the past, almost the past three decades and I think under the circumstances it would be well to point out just one or two of the aspects of those involvements, because they point up the real need for some specific action in this area.

In the early fifties, we joined with the Fish and Wildlife Service in establishing a goal for protection of 12.5 million acres, 8 million by the Federal Government and 4.5 million by the States, of wetlands habitat needed to maintain populations then existing. Today there remains 1.6 million of the Federal goal still to be acquired at an estimated cost of $1,000 per acre. The States with less funding available have so far been able to acquire only about 10 percent of their acreage goal.

Again, in 1977 we endorsed a new wetlands acquisition goal of 1.9 million acres projected by the Fish and Wildlife Service for the ensuing 10-year period, a goal that is still about 1.5 million acres short of realization, with an estimated $700 million or more needed to procure it at today's prices.

The needs we perceived on those occasions and in other aspects of our involvement have been only partially met. Vitally needed habitat resources have continued to erode in the sensitive regions, for example, in the hardwoods area, where the same situation applies.

In combination, those experiences have led us to the conclusion that the time has passed for half-way measures, that a major, far-reaching new initiative is necessary. In our judgment, S. 1329 offers such an approach. We applaud the vision and farsightedness of those who framed it and fashioned the funding provisions on which this hearing is focusing.

Senator **Chafee**. You will not lose any support up here in that statement.

Mr. **Hayden**. I hoped it would not, but sincerely that is the position that our organization has officially taken. The additional comments I will make represent a formal position that we took at our annual meeting in Milwaukee last September.

The provision calls for an allotment of $75 million a year from the Land and Water Conservation Fund for each of the next 10 years;

Establishment of fees for selected wildlife refuges, with the funds, estimated at $140 million over a 10-year period, going to the Migratory Bird Conservation Fund. We would support the use of the golden eagle passports or other lifetime permits, as well as other types of entry fees that would be established by the Secretary with the understanding that the proceeds from those passports or purchases at the refuges go back into the migratory fund.

We support the increase in the annual cost of a duck stamp from $7.50 to $15 in graduated scales.

We would call for a waiver of repayment of the approximately $150 million spent since 1961 under the Wetlands Loan Act, thus avoiding what would otherwise be a dissemination of the duck stamp resources as soon as repayment requirements go into effect.

The long-range financing plan laid out for the program in S. 1329 is, in our judgment, realistic, justified, and essential to the survival of the wetlands as a natural resource. We have to say, however, that we feel there must be some guaranteed level of funding in order to realize that goal. Simply depending on the vaguaries of appropriations on an annual basis does create some difficulties, and whatever action is taken, we hope there could be some sort of formula under which a set amount would be acceptable and the States could plan accordingly.

Senator **Chafee**. Why don't you wind up now, Mr. Hayden? I agree with everything that you are saying.

Mr. **Hayden**. I will quit while I am ahead. Thank you very much.

Senator **Chafee**. No, go ahead.

Mr. **Hayden**. Basically, we do want to express our support for the provisions in the Interior budget for fiscal 1985. We think that is a good step in the right direction. It seems to indicate a new sensitivity on the part of the administration for the needs and interests of conservation and management of wildlife resources. We applaud that, and we think it augurs well for the future of S. 1329.

Thank you. Basically, that sums up our position.

[The prepared statement of Mr. Hayden follows:]

STATEMENT OF WES HAYDEN, LEGISLATIVE COUNSEL, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES, TO SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, RELATIVE TO S. 1329, THE EMERGENCY WETLANDS RESOURCES ACT   MARCH 21, 1984

Mr. Chairman: Speaking for the International Association of Fish and Wildlife Agencies, I appreciate the opportunity you are affording for presentation of our views on the legislation before you today.

The issue which this measure addresses -- wetlands protection and revitalization -- is one of impelling interest and concern to this organization and its agency members in the 50 states, Canada, Mexico and Puerto Rico.

We have long recognized the clear and continuing threat which the precipitous rate of erosion of these irreplaceable resources has posed for the long-range health and viability of both the nation's migratory bird population and a wide range of fisheries and other wildlife species depending on wetlands for their habitat and breeding ground.

We have as a consequence fully and consistently supported over a span of nearly three decades those measures which we perceived as offering at least some realistic prospect of slowing the pace of that resource loss.

As early as the 1950's we joined with the Fish and Wildlife Service in establishing a goal for protection of 12.5 million acres (8 million by the federal government and 4.5 million by the states) of waterfowl habitat needed to maintain populations then existing. Today there remains 1.6 million of the federal acreage yet to be acquired at an estimated cost of $1,000 per acre and the states, with less funding available, have so far been able to acquire only about 10% of their acreage goal.

We fully supported adoption of the Wetlands Loan Act in 1961 as a new source of acquisition funding and have worked just as strongly for its subsequent amendment.

By resolution at our annual meeting in 1977 we endorsed a new wetlands acquisition goal of 1.9 million acres projected by the Fish and Wildlife Service for an ensuing 10-year period -- a goal that is still about 1.5 million acres short of realization, with an estimated $700 million or more needed to procure it at today's prices.

In 1981 the Association adopted a further resolution proposing extension of the loan authority. At the same time we called on the Fish and Wildlife Service to assign personnel and funds needed to develop a comprehensive acquisition and management program for the Prairie Pothole region to stimulate additional waterfowl production in those areas.

The needs we perceived on those occasions have been only partially met and, in the meantime, vitally needed habitat resources have continued to erode in that sensitive region and elsewhere in the country because of developmental encroachment.

In combination, those experiences have led us to the conclusion that the time has passed for half-way measures and that a major, far-reaching new initiative must be undertaken now if the loss is to be halted and some measure of recovery achieved.

In our considered judgment S 1329 offers such an approach and we applaud the vision and far-sightedness of its framers in fashioning the funding provisions on which this hearing is focusing.

We have prefaced our comments on those points with an account of our past experiences with the wetlands problem only as a way of underscoring what we consider to be a pressing need for such a comprehensive plan as the measure before you proposes.

Funding features which we consider essential include:

... Allotment of $75 million a year from the Land and Water Conservation Fund for each of the next 10 years, with $50 million of that yearly figure apportioned to the respective states for wetlands programs and the other $25 million to be earmarked for federal wetlands acquisition.

... Establishment of entry fees for selected wildlife refuges, with the funds (an estimated $140 million over the 10-year life of the bill) going to the Migratory Bird Conservation account. We would support the use of Golden Eagle Passports or other lifetime permits for entry to such refuges, provided that when such permits were purchased at a refuge the money would go into the Migratory Bird Conservation account.

... Increase in the annual cost of a duck stamp from $7.50 to $15 in graduated steps over a five-year period, with those revenues also going into the Migratory Bird account.

... Waiver of repayment of the approximately $150 million spent since 1961 under the Wetlands Loan Act, thus avoiding the drain on the proceeds from duck stamp sales that would otherwise result.

The long-range financing plan laid out for the program in S 1329 is, in our judgment, realistic, justified and essential to the survival of wetlands as a natural resource. We believe the returns will more than offset the costs.

In order for the effort to realize anything approaching its full potential, however, it will be necessary that a steady flow of the funds be assured both for immediate distribution and for long-term planning by the respective states.

That will be possible only if the annual apportionment is automatic rather than being subject to the uncertainties of annual appropriations.

We urge retention of that provision in the bill when reported.

Attention should also be given to the question of reauthorization of the Wetlands Loan Act for use as necessary during the 10 year life of the legislation now being considered.

Otherwise the authority will expire at the end of the one-year extension provided late last year by HR 2395.

We also suggest the need for another amendment which would reauthorize the Land and Water Conservation Fund for the additional 10 years to conform with the annual allocation period provided under the bill.

In the matter of state allocations we applaud the provision of the bill basing half of the money on the amount that each had spent from its own funds for wetlands activities in the most recent year of record and the other half on a wetlands priority formula. That provides a careful balance between equity and necessity.

There is also a question of equity, in our judgment, in the provision for entry fees to the wildlife refuges. It has the effect of sharing responsibility for support of wetlands expansion efforts which up to this point has been borne almost exclusively by the nation's duck hunters.

We are greatly encouraged by the evidence of support from the Department of Interior for many of the features of the bill which we favor and by the specific provisions included in the agency's Fiscal 1985 budget for assistance to state wetlands efforts.

That appears to suggest a new sensitivity on the Administration's part to that phase of conservation needs and opportunities and one which could give added impetus to S 1329.

On that note, Mr. Chairman, we commend this legislation to your attention and that of your colleagues and ask your favorable consideration of it.

Thank you for allowing us to share our thoughts on the measure with you. If you have questions, I will be happy to respond.

Senator CHAFEE. Thank you, Mr. Hayden. Again, I think the administration has taken a big step forward with that $27 million plus you are talking about.

Mr. Davison, why don't you summarize your statement.

STATEMENT OF DR. ROBERT P. DAVISON, LEGISLATIVE REPRESENTATIVE, NATIONAL WILDLIFE FEDERATION, FISHERIES AND WILDLIFE DIVISION

Dr. DAVISON. I am Robert Davison, a wildlife scientist and legislative representative for the National Wildlife Federation, fisheries and wildlife division.

The wetlands are a valuable national resource that are being destroyed at an unprecedented rate. At present rates, there will be virtually no waterfowl breeding habitats left in the lower 48 States 100 years from now, and only 50 percent of our present over wintering waterfowl habitat will be left by that date.

One important component in the efforts to resolve the problem of wetlands lost, certainly must be increased funding for State and Federal acquisition programs.

Sections 201 and 204 of S. 1329 incorporate two of the proposals to increase funding for Federal and State wetlands acquisition that we have supported in previous testimony. Specifically, the National Wildlife Federation supports expansion of the Migratory Bird Conservation Fund to increase Federal acquisition of wetlands refuges by collecting refuge entry fees.

We believe it is desirable to broaden the base of those paying for refuge and wetlands acquisition beyond America's waterfowl hunters, who are the primary purchasers of the approximately 2 million duck stamps sold annually. Requiring a duck stamp or reasonably priced single visit fee for entry to selected national wildlife refuges would have several beneficial results.

First, there would be increased revenue available to the Migratory Bird Conservation Fund for Federal acquisition of new wetlands additions to the National Wildlife Refuge System.

Second, the base of people who contribute to increased refuge acquisitions would be spread more broadly to include more of the actual people who derive benefits from the National Wildlife Refuge System.

Third, all users of refuges might take a more personal interest in and responsibility for the care and management of the system.

Section 204 of S. 1329 transfers $75 million per year for a limited, emergency 10-year period from the Land and Water Conservation Fund to the Migratory Bird Conservation Fund for Federal wetlands acquisition and Federal support of State efforts to acquire, enhance, and preserve wetlands.

This transfer should in no way reduce annual appropriations for other land acquisitions. Transferring $75 million from the greatly under utilized land and Water Conservation Fund does not diminish the importance or need to acquire land for parks, refuges, and endangered species, but the transfer is urgently needed if we are going to make significant strides toward protection of the wetlands we need to maintain our migratory bird populations and other wetland products and services.

Wetlands have never been able to compete with other land acquisitions for annual appropriations because the wetlands purchases are frequently small tracts that have little tourism value and lack the glamour of many of our national park and refuge projects.

The National Wildlife Federation believes that the funding mechanism for Federal and State wetlands conservation established in section 204 is essential to meet the goal of the bill. We are aware that some have questioned the need for such a strong provision. But we are convinced that a program which merely authorizes annual appropriations of up to $75 million over 10 years will not result in acquisition of anything close to the 3.5 million acres of wetlands needing protection.

Such a program is likely only to perpetuate and, indeed, intensify our national wetlands emergency. We urge this subcommittee to leave section 204 intact for the following reasons.

First, the Federal and State programs that have succeeded in protecting wetlands and other wildlife habitat are the duck stamp, the Federal aid in wildlife, the so-called Pittman-Robertson, and sport fish, the Dingell-Johnson, restoration programs. These programs have one important common denominator. They all have been funded through continuing annual appropriation provisions.

Second, contrast the success of the continuing appropriations under the duck stamp, the Pittman-Robertson and Dingell-Johnson programs with the authorizations that have produced only limited success under the Wetlands Loan Act or under section 6 of the Endangered Species Act or the authorizations that have resulted in the completely unsuccessful implementation of the Fish and Wildlife Conservation Act of 1980.

Third, it makes little sense to require States to undertake the effort and expense to submit comprehensive plans or project proposals for Federal approval over a relatively short 10-year period with no assurance that funding will be predictable from year to year or even that any funding will ever be forthcoming.

Therefore, the National Wildlife Federation strongly recommends that section 204 of S. 1329 be retained to ensure continuing annual appropriations for wetlands acquisition and conservation.

Senator **Chafee**. OK, you are going to have to wind up about now.

Dr. **Davison**. OK, I wanted to thank the chairman for his efforts on behalf of the privately owned wetlands and for his legislation, S. 1675, and indicate that we support that legislation. It is an important effort.

The final thing that I would like to say is just over 50 years ago discussions very much like the one we are engaged in today were held. The topics were much the same and the needs were defined in much the same manner. Even the solutions were similar. The one thing that is different today is that we have 50 percent fewer wetlands acres to worry about. If decisive and effective action is not taken soon the need to hold discussions, pondering methods to preserve wetlands will no longer exist, because our wetlands will be gone.

Thank you.

[The prepared statement of Dr. Davison follows.]

NATIONAL WILDLIFE FEDERATION
1412 Sixteenth Street, N.W., Washington, D.C. 20036 202—797-6800

STATEMENT OF THE NATIONAL WILDLIFE FEDERATION BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON SECTIONS 201 AND 204 OF THE EMERGENCY WETLANDS RESOURCES ACT, S. 1329

MARCH 21, 1984

Submitted by:
Dr. Robert P. Davison
Fisheries and Wildlife Division
National Wildlife Federation

Mr. Chairman, I am Robert P. Davison, Ph. D., a wildlife scientist and legislative representative for the National Wildlife Federation's (NWF) Fisheries and Wildlife Division.

I appreciate this opportunity to discuss the need for wetlands conservation and to provide comments on S. 1329.

NWF is the world's largest conservation-education organization. We have over 4 million members and supporters throughout the U.S. and 51 affiliated statewide and territorial organizations. Since the formation of NWF in 1936, our members, affiliated organizations, and staff have supported and worked aggressively for the conservation of this country's wetlands. Our efforts continue today as we seek strong, comprehensive measures from this Congress to protect a rapidly vanishing national resource.

THIS NATION'S WETLANDS ARE VALUABLE

Wetlands are a valuable national resource. Waterfowl and other waterbirds are extremely dependent on wetlands throughout their life cycle. Sixty to 70 percent of the 10 to 12 million ducks produced annually in the coterminous United States breed in the prairie pothole states of Montana, North and South Dakota, Minnesota, and Nebraska. Ducks and geese form the base of an industry worth multi-millions of dollars annually through the expenditures of 2.5 million waterfowl hunters. And in 1980, more than 80 million Americans spent nearly $15 billion on nonconsumptive wildlife-related activities, which are often directly dependent on the presence of wetland areas.

Many furbearing animals are dependent on wetlands. The total harvest of muskrats, mink, and nutria exceeded 8 million animals worth more than $33 million in 1975-76.

The production of marine commercial and sport fish is extremely dependent on marsh and wetlands. In 1980 the National Marine Fisheries Service estimated that 62.7 percent of 6.7 billion pounds of commercial fish caught by American fishermen was dependent on estuarine areas and their associated wetlands.

In addition to such products, wetlands provide numerous services to the public. These services include flood control, buffering of storm damage, ground water recharge, purification of polluted water and recreation-aesthetic uses.

THIS NATION'S WETLANDS URGENTLY NEED PROTECTION

Throughout most of the history of the United States, wetlands were looked upon as wastelands to be drained or filled and converted to other uses. Governmental policy was directed primarily to elimination of wetlands until about the mid-1900s. During the 1930s, people began to recognize the links between wetlands loss and the disappearance of wetlands products, such as waterfowl. By the 1950s and 1960s, the wetlands acquisition programs of state and federal wildlife agencies were well established, the broad values of wetlands were becoming clear, and sportsmen had formed a solid constituency for wetlands. During this period many of the governmental policies that fostered wetlands destruction began to change. However, wetlands loss continued. In the 1970's the values of wetlands became widely recognized and scientifically documented. Many of the direct subsidies for wetlands drainage were eliminated, but indirect subsidies remained, acquisition efforts lagged and wetlands drainage was and is still a critical problem.

In the most comprehensive and scientific study done to date, the U.S. Fish and Wildlife Service (FWS) estimated that the total average loss of wetlands in the coterminous United States from the 1950s to the 1970s was 458,000 acres per year. [Status and Trends of Wetlands and Deepwater Habitats in the Coterminous United States, 1950s to 1970s, Office of Biological Services, Washington, DC]. Over 9 million acres of wetlands were lost in that 20-year period. The net average annual loss of inland wetlands over this period was 439,000 acres (or more than 95% of the total) with the remaining loss being coastal wetlands. Of the total coastal wetlands loss of 372,000 acres from the 1950s to the 1970s, the majority was from Louisiana and most of the rest from Florida. However, certain estimates place the current loss of coastal wetlands in Louisiana at between 30 and 40 square miles per year, which is much greater than that reported in the FWS study.

Agricultural development (e.g., clearing and drainage) was responsible for 87 percent of the wetlands losses from the 1950s to the 1970s, while urban development and other development caused 8 percent and 5 percent of the loss, respectively. Agriculture had the greatest impact on forested and inland marshes, with losses of 6.2 and 4.6 million acres, respectively, over the 20-year period. One million acres of shrub swamps were converted to agricultural use from the 1950s to the 1970s.

The FWS estimates that, at present rates, there will be virtually no waterfowl breeding habitat left in the contiguous states 100 years from now; only 50 percent of our present overwintering waterfowl habitat will be left by that date. We have repeated these statistics often and in many forums because they are sobering evidence of the need to find effective solutions to a genuine national emergency.

THE RATE OF WETLANDS ACQUISITION MUST BE INCREASED GREATLY

One important component in efforts to resolve the problem of wetlands loss certainly must be increased funding for state and federal acquisition programs.

Conservation of wetlands has been a responsibility largely shared by the FWS and state fish and wildlife agencies. In 1959 the FWS and the states determined that conservation of 12.5 million acres of waterfowl habitat was necessary in the coterminous U.S. to maintain existing waterfowl populations. To achieve this goal, the FWS needed to acquire an additional 3.8 million acres and the states an additional 2.5 million acres.

The primary sources of funding for federal wetlands acquisition have come from sale of Migratory Bird Hunting and

Conservation Stamps authorized by the Act of March 16, 1934, as amended, and from advance appropriations against future stamp sales authorized by the Wetlands Loan Act. With these funds the FWS purchased in fee or easement approximately 1.9 million acres toward their goal from 1959 to 1977. Acquisition of the remaining 1.9 million wetland acres for conservation of migratory birds was to be completed between 1977 and 1986. But at the end of fiscal year 1984 approximately 1.5 million acres will still need to be acquired. Thus, at the end of the eighth year of the ten-year plan, only about 20 percent of the FWS wetlands acquisition goal will have been achieved.

From 1976 through 1980, an average of nearly 70,000 acres per year were protected with Wetlands Loan Act advances and Migratory Bird Hunting and Conservation Stamp (Duck Stamp) receipts. By comparison, fewer than 30,000 acres per year, on average, have been protected in 1981, 1982, and 1983. As a result of this slowdown in wetland acquisition, we now find ourselves needing more than $1 billion at current prices to purchase the remaining 1.5 million acres identified by FWS in the next two years. In short, a difficult situation has been made impossible. Current rates of wetlands loss and land price increases demand at least a several-fold increase in wetlands acquisition, not a halving of that effort.

State acquisition of wetlands has fared even more poorly than the FWS effort. Largely because most states have not had a source of reliable funding such as the federal Duck Stamp, they have been able to acquire only about 425,000 acres since

1959. Thus, in 25 years only about 17 percent of the state wetlands acquisition goal has been achieved.

On July 12, 1983, NWF recommended measures to increase federal and state acquisition of wetlands in testimony before the Senate Subcommittee on Environmental Pollution. Our recommendations were to expand funding for wetlands purchases through (1) extension of the Wetlands Loan Act and deletion of the provision that provides for repayment of the advance; (2) a graduated increase in the price of the Duck Stamp to $15.00 over a five-year period or longer; (3) continuing annual appropriations from the Land and Water Conservation Fund for state and federal acquisition over a 10-year perod; (4) authorization for the Secretary of Interior to require a Duck Stamp or a single visit fee for entrance into designated areas of the National Wildlife Refuge System; and (5) transfer of duties collected on imported arms and ammunition.

Depending on land price increases, these funding mechanisms should provide sufficient monies to allow the FWS and states to make substantial progress toward their wetlands acquisition goals over the next 10 years.

S. 1329 WILL ALLOW US TO MAKE SUBSTANTIAL PROGRESS TOWARD OUR WETLANDS ACQUISITION GOALS

Sections 201 and 204 of S. 1329 incorporate two of the proposals to increase funding for federal and state wetlands acquisition that are outlined above, and we support those provisions of the bill.

Specifically, NWF supports expansion of the Migratory Bird Conservation Fund to increase federal acquisition of wetlands refuges by collecting refuge entry fees. We believe it is desirable to broaden the base of those paying for refuge and wetlands acquisition beyond America's waterfowl hunters, who are the primary purchasers of the approximately two million Duck Stamps sold annually. Some individual National Wildlife Refuges have nearly that number of visitors each year. For example, Chincoteague National Wildlife Refuge in Virginia had about 1.5 million visitors last year. The entire National Wildlife Refuge System has about 25 to 30 million visitors each year. Less than two percent of these visitors enter refuges to hunt waterfowl.

Requiring a Duck Stamp or reasonably priced single visit fee for entry to selected National Wildlife Refuges would have several beneficial results. First, there would be increased revenue available to the Migratory Bird Conservation Fund for federal acquisition of new wetlands additions to the National Wildlife Refuge System. Second, the base of people who contribute to increased refuge acquisitions would be spread more broadly to include more of the actual people who derive benefits from the National Wildlife Refuge System. America's waterfowl hunters have shouldered this burden alone for long enough. Third, all users of refuges might take a more personal interest in and responsibility for the care and management of the System.

Section 204 of S. 1329 transfers $75 million per year, for a limited, emergency 10-year period, from the Land and Water Conservation Fund to the Migratory Bird Conservation Fund (Duck Stamp revenues) for federal wetlands acquisition and federal support of state efforts to acquire, enhance, and preserve wetlands.

NWF agrees with the Committee on Environment and Public Works that the $75 million annual transfer from the Land and Water Conservation Fund should in no way reduce annual appropriations from the Fund for park, refuge, and endangered species acquisitions. Annual appropriations from the Fund for these purposes have never approached the $900 million authorized by Congress. Acquisition of land for parks, refuges, and endangered species is important and must be increased. Transferring $75 million from the greatly underutilized Land and Water Conservation Fund to the Migratory Bird Conservation Fund does not diminish this importance or need. But the transfer is urgently needed if we are going to make significant strides toward protection of the wetlands we need to maintain our migratory bird populations and other wetland products and services. Wetlands have never been able to compete with other land acquisitions for annual appropriations because the wetlands purchases are frequently small tracts that have little tourism value and lack the glamour of many of our national park and refuge projects.

A RELIABLE FUNDING MECHANISM IS ESSENTIAL

NWF believes that the funding mechanism for federal and state wetlands conservation established in Section 204 of S. 1329 is essential to meet the goal of the bill. We are aware that some have questioned the need for such a strong provision. But we are convinced that a program which merely authorizes annual appropriations of up to $75 million over 10 years will not result in acquisition of anything close to the 3.5 million acres of wetlands needing protection. Such a program is likely only to perpetuate and, indeed, intensify our national wetlands emergency. NWF urges this Subcommittee to leave Section 204 of S. 1329 intact for the following reasons.

First, the federal and state programs that have succeeded in protecting wetlands and other wildlife habitat are the Duck Stamp, and the Federal Aid in Wildlife (Pittman-Robertson; P-R) and Sport Fish (Dingell-Johnson; D-J) Restoration programs. These programs have had one important common denominator. They all have been funded through continuing annual appropriation provisions that have ensured that monies collected each year are actually spent for the purposes of the programs. Because Congress wisely chose to provide a mechanism to ensure stable funding for state and federal efforts under the Duck Stamp, P-R, and D-J legislation, these programs have become the foundation of wildlife management and habitat protection in this country.

Second, contrast the success of the continuing appropriations under the Duck Stamp, P-R, and D-J legislation with the authorizations that have produced only limited success under the Wetlands Loan Act or Section 6 of the Endangered Species Act, or that have resulted in the unsuccessful implementation of the Fish and Wildlife Conservation ("Nongame") Act of 1980.

The Wetlands Loan Act provides an instructive example. The legislation authorized a $200 million loan to the Duck Stamp fund in order to purchase wetlands quickly while they were still available and still relatively inexpensive. The loan was an innovative funding mechanism that should have worked. It should have allowed relatively large appropriations over a short period of time. But it did not. Even though the funds were only a loan with a guaranteed payback provision, administrations and Congress were unwilling to spend much of the money in any one year. Nearly 25 years after the program was established we have spent only about three-fourths of the authorized amount. By spending a meager $7 million per year, we so diminished the effectiveness of the $154 million borrowed that we now find ourselves far short of our wetlands acquisition goals and in desperate need of relieving the overburdened Duck Stamp program from repaying the loan.

Third, it makes little sense to require states to undertake the effort and expense required to submit comprehensive plans or project proposals for federal approval over a relatively short ten-year period with no assurance that funding will be predictable from year to year or even that any funding will ever be forthcoming. In short, given recent state experience with similar grant programs, trading an uncertain funding mechanism for the one established in Section 204 of S. 1329 is likely to discourage state participation and, at the very least, is likely to make seriously inefficient use of the dollars appropriated.

Therefore, NWF strongly recommends that Section 204 of S. 1329 be retained to ensure continuing annual appropriations for wetlands acquisition and conservation with the money transferred from the Land and Water Conservation Fund. We urge this Subcommittee and this Congress to meet our national wetlands emergency with reliable funding for needed acquisitions and not just with promises.

PRIVATELY OWNED WETLANDS MUST BE CONSERVED

According to the Fish and Wildlife Service, only 8.2 of the 95 million acres of wetlands remaining in the 48 states are under federal or state protection. Simply put, most wetlands are privately owned. While it is extremely important for active federal and state acquisition programs to continue, it is more important to provide mechanisms to maintain or restore wetlands that are privately owned. This should be done through a combination of (1) tax incentives for maintaining wetlands on private property, (2) tax or other incentives for donations of privately-owned wetlands to government agencies or conservation organizations, (3) incentives and assistance for restoration or creation of wetlands, (4) mitigation of wetlands loss due to publicly- or privately-supported development, (5) elimination of tax incentives for drainage and conversion, (6) elimination of all other governmental incentives and assistance that encourage wetlands destruction, and (7) a comprehensive wetlands regulatory program to protect the public interest.

Mr. Chairman, you have taken an important leadership role in the protection of privately-owned wetlands with your legislation -- S. 1675 -- to provide incentives for donations of wetlands and other natural areas to government agencies or conservation organizations. We support S. 1675 and we urge the members of this Subcommittee to join us in supporting this and other wetlands protection legislation currently under consideration by this Congress. Over 50 years ago discussions very much like the one we are engaged in today were held. The topics were much the same and the needs were defined in much the same manner. Even the solutions were similar. One thing that is different today is that we have 50 percent fewer wetlands acres to worry about. If decisive and effective action is not taken soon, the need to hold discussions pondering methods to preserve wetlands will no longer exist because our wetlands will be gone.

If, on the other hand, we are able to combine an effective program of state and federal acquisition with a strong regulatory program and an attractive tax incentive package we will be able to ensure that future generations of Americans will continue to derive the many benefits provided by wetlands.

This concludes NWF's statement on Sections 201 and 204 of S. 1329. We thank you for the opportunity to present our views and look forward to working with the Subcommittee as it considers this important legislation.

Resolution No. 19

ENACT A NATIONAL WETLANDS PROTECTION AND MANAGEMENT ACT

WHEREAS, this nation's wetlands provide productive habitat for fish and wildlife, contain biologically rich eco-systems, support numerous recreational activities, provide commercial fishery and fur resources, reduce flooding, recharge groundwater, trap pollutants and sediments, and control erosion; and

WHEREAS, about 50 percent of this nation's original wetlands have been destroyed and about 450,000 acres of wetlands are lost each year; and

WHEREAS, some federal policies encourage wetlands drainage by providing tax incentives, information on wetlands drainage to some landowners, or subsidy programs; and

WHEREAS, comprehensive, national wetlands legislation is needed to reverse the dangerous trend of wetlands loss.

NOW, THEREFORE, BE IT RESOLVED that the National Wildlife Federation in annual meeting assembled March 17-20, 1983, in Albuquerque, New Mexico, calls on Congress to enact a National Wetlands Protection and Management Act that regulates all activities affecting wetlands, increases wetland acquisition, ends federal incentives and subsidies, which contribute to the degradation of wetlands, and includes the following:

1) protection for all wetlands that provide benefits to the public;

2) extension of the Wetlands Loan Act to the year 2000, expansion of the total authorization level by at least 50 percent, and deletion of the provision that provides for repayment of advances;

3) a requirement that Land and Water Conservation Fund money be allocated to the migratory bird conservation fund annually on at least a matching basis with duck stamp funds collected the previous year;

4) appropriation of Land and Water Conservation Fund money to provide grants to states for wetlands conservation purposes, on the ratio of three federal dollars for each state dollar spent;

5) a requirement that duties on imported arms and ammunition be paid into the migratory bird conservation fund;

6) authorization for the collection of fees from non-consumptive users for entry into designated, heavily used areas of the National Wildlife Refuge System, with the collected funds to be allocated to the migratory bird conservation fund;

7) an increase in the level of appropriations to the Department of Agriculture Waterbank Program to ensure the maintenance and management of existing contracts and to increase the number of acres under easement and furthermore are that this program be extended to other states where wetlands losses are occurring;

8) elimination of all direct and indirect incentives and subsidies, including tax deductions and crop payments on converted wetlands, that encourage wetlands clearing, draining, or filling;

9) a prohibition on new federal expenditures, and financial or technical assistance that encourage wetlands destruction;

10) incentives for the conservation of wetlands through increased income, estate, gift, or capital gains tax benefits to allow the sale of conservation easements of wetland property to federal or state conservation agencies or qualified conservation organizations; and

11) completion of the National Wetlands Inventory as soon as possible.

Senator CHAFEE. Thank you, Dr. Davison. On page 5 of your testimony you say that "From 1976 through 1980, an average of nearly 70,000 acres per year were protected with Wetlands Loan Act advances and migratory bird hunting and conservation stamp, duck stamp receipts," 70,000 a year. Now in the last 3 years it has been less than 30,000 a year. Throw me out some shred of hope. Now, is there a significant wetlands preserve by private efforts. How wide is the nature of conservancy, if there is a good job? Is there anything that makes the picture less bleak?

Dr. DAVISON. I think there have been some strides made in that direction. The unfortunate thing is we really do not know. The U.S. Fish and Wildlife Service status and trends report gave us an idea of what the wetlands loss rate was in the country, but really covered the period from the mid-1950's to the mid-1970's and we really do not know what has happened to the wetlands since about the midseventies.

And I can think of numerous private efforts by the conservancy and by others where we have made great strides on and conversely there has been increasing development in many parts of the country for agriculture development. For example land in the Lower Mississippi is being cleared.

Senator CHAFEE. And just take southern Louisiana.

Dr. DAVISON. Yes, right, so on balance I do not know.

Senator CHAFEE. Thank you.

Mr. Tindall.

STATEMENT OF BARRY S. TINDALL, DIRECTOR, PUBLIC AFFAIRS, NATIONAL RECREATION AND PARK ASSOCIATION

Mr. TINDALL. Thank you. That is a very complex subject and I am not sure how we can handle it.

In the next few minutes, I will briefly touch on some of the issues that are of concern to my organization. First, let me note for the record that we do support the passage of special legislation to address more effectively our wetland protection activities. We share the expressions of appreciation to you that have been made by others.

One thing I would like to hit briefly, because I know you are familiar with this, and your bill proposes a quick study to look at other means to protect wetlands, including maybe reining in some of the Government activities that encourage the destruction of wetlands. You did not mention, I believe, the policies of the General Services Administration in the context of surplus and excess property. In your own State that policy was brought to bear on some lands that the State wanted to put into the State park system and it took extraordinary efforts on your part and on Senator Pell's part to protect those.

Senator CHAFEE. You know, I just want to reenforce what you say there. Sometimes it seems that the right hand does not know what the left hand is doing. As you point out in this urge to deacquisition lands they are just getting rid of lands that really should be recreation areas and you mentioned one and we were able to save that. I know that Senator Moynihan and Senator D'Amato have the same thing out in the eastern end of Long Island, some abandoned Air Force base from World War II, they want to sell that off. I see the Government's point of view, they want to get some income and get some capital, as it were. But it should not be turned into development. I do not know how they will make out on that.

Have they stalled it for a while?

Mr. TINDALL. We have recently received calls on a property on Nantucket Island, which I do not know the property, but I presume it must have some water relationship and the GSA wants to sell that and the State, in fact, would like to purchase it for its park value. It does defy the imagination as to how we can be working at cross-purposes here.

Senator CHAFEE. I think your organizations, all of them, perform a wonderful function here in bringing it to the attention of the senators and representatives. If those people make enough of a squawk, usually they can get something done, not always. But I am not saying every piece of land that the Federal Government owns should be turned over to the State or local community to be preserved, but some of it should be.

I think that is where you folks can help. Sometimes there are things the senators just do not know about.

Mr. TINDALL. Let me mention two or three other aspects of the legislation. One, in preparing for this testimony, we are troubled considerably by the different definitions of wetlands and the different approaches that Government has taken. I think we have to get a handle on that if in fact we are going to craft the right kinds of policies and legislation in this country to most effectively deal with the root causes of wetland preservation and wetland loss.

In the House report they talk about loss of wetlands in Louisiana. Well, in fact 40 square miles of the loss is from natural erosion. There is no way an acquisition program or anything else can reverse that.

Let me note that the existing Land and Water Conservation Fund provides more than a little bit of authority for wetland acquisition. The problem in fact is not authority, although as Mr. Davison reminded me recently, the money coming into the Land and Water Conservation Fund is not a problem either. It is getting the money out of the Land and Water Conservation Fund that has been much of the cause of concern here.

But I would direct the subcommittee's attention to the criteria for acquisition from the Land and Water Conservation Fund grant manual that we have appended to our statement. We would recommend, Mr. Chairman, that the proposal, both the Senate bill and should the House bill or major features of it prevail, there must be greater consistency written into the Wetlands Protection Act with the Land and Water Conservation Fund Act and with other Federal statutes that deal with planning processes, with protection strategies.

I do not see a major revamping of the legislation necessary for that, but we are talking about other statutes that have national planning and State planning requirements built in.

The Federal-State matching ratio, while it may sound heretic, we think that the ratio for the wetlands program ought to be reduced to a 50-50 ratio, which is consistent with the Land and Water Conservation Fund State Grant Program versus the 75-25, which we recognize as the current Dingell-Johnson Pittman-Robertson ratios. In fact, no State has ever failed to match its Land and Water Conservation Fund ration which suggests to us that 50-50 will encourage a greater incentive on the part of wetlands advocates at the State level to go to the State legislatures or State executive offices and make sure that the matching money is there, thereby protecting more land.

Senator **Chafee**. Good point.

Mr. **Tindall**. We have a statement in here, Mr. Chairman, relative to the golden eagle and the proposed use of the so-called duck stamp for access to wildlife refuges. We suggest that there probably would not be one additional cent that would go to wetlands protection if in fact you set up a fee system and allowed holders of migratory bird stamps to access the refuges with that stamp. You are talking about significantly different kinds of uses. One is an entrance fee. The other is the right to take fee or charge and they should not be commingled, if you will, in terms of definition and use here.

I understand that certain interested parties, particularly waterfowl hunters, argue that they have more than carried their burden. But I am not sure precisely that the record would show that in terms of the land acquired and the forgiving of the 150 million plus advance loan is just one example of what I am referring to.

Finally, Mr. Chairman, let me introduce a subject of local government participation in a State program. We have found tremendous success in the State and local government strategies through other portions of the Land and Water Conservation Fund, through the existing Land and Water Conservation Fund. We suggested that most of the land use decisions in this country, in fact, result from local, primarily county zoning, zoning exceptions, land acquisition, permit granting processes, et cetera.

We think that it would be tremendously courageous to put in some financial incentive for local governments to save wetlands. As a minimum, I think we ought to put it in on a trial basis, look at it carefully and see what it produces.

Senator **CHAFEE**. How would you do this?

Mr. **TINDALL**. You could work it precisely the same way we work it with the Land and Water Conservation Fund State grants program now. There is a State liaison officer who administers that, and decisions are made at the State level. They could be made by the State fish and game agency or whomever might management it.

Senator **CHAFEE**. But you mean directly from the Federal Government? Now, we say that under this bill $50 million a year go to the States. What would you do?

Mr. **TINDALL**. We would simply put a proviso in there that allows the State should a local government come up with a significant project that meets the State wetlands protection scheme, allow the State to pass some amount of financial incentive through to the local government, precisely the same way that it works now for the Land and Water Conservation Fund. It would still be a State decision.

Senator **CHAFEE**. You mean they might, you might say the State has 20 percent of this should go to the counties under a matching proposal in which the counties would put up half and the State would put up half or something like that?

Mr. **TINDALL**. No, I would not fix a percentage. In fact, the Land and Water Conservation Fund now does not normally have a fixed percentage passthrough. If, in fact, let's say a coastal county, Dare County, NC were to come up with a land protection scheme that was consistent with a State wetlands protection scheme, the county could put up the 50 percent and the other 50 percent could come from the Federal source. The State could, in fact, extend the use of the remainder of its share, if you will, even further.

The local governments have been the most effective governments in leveraging private sector contributions.

Senator **CHAFEE**. All right. Is that completed?

Mr. **TINDALL**. That concludes the points I would make on this, Mr. Chairman. I would simply note that the Senate bill contains a section 4 that deals with Oregon Inlet, NC. That is not a feature of the——

Senator **CHAFEE**. The House bill.

Mr. **TINDALL**. I am sorry, the House bill. It is not a feature of any of the Senate legislation right before us. There is a separate bill on this. I would just like to state the position of my organization in firm opposition to the inclusion of that, the Oregon Inlet provision on this bill or, frankly, in any other bill that the U.S. Senate considers. We think it is a horrible precedent for this Congress to get into this kind of a cost-benefit ratio. It may be even a contrived positive cost-benefit ratio that would override other protection statutes that protect our refuges and our National Park Systems.

[The prepared statement of Mr. Tindall follows.)

STATEMENT OF
NATIONAL RECREATION AND PARK ASSOCIATION
BEFORE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
U.S. SENATE
ON
S.1329
MARCH 21, 1984

Mr. Chairman and members of the Subcommittee, I am Barry S. Tindall, director of Public Affairs for the National Recreation and Park Association.

The Association is a national not-for-profit organization engaged in a wide range of research, education, policy and program assessments involving parks and recreation. We have a membership of some 15,000 individuals, organizations and agencies. They perform an array of civic, professional and technical functions to meet America's diverse recreation demands. For the most part, our members are associated with public recreation and park systems. We have affiliate organizations in each of the 50 States.

The Association appreciates the invitation to express its views on selected aspects of the proposed "Emergency Wetlands Resources Act of 1984. Our testimony will focus on the relationship between wetland protection objectives and existing authorities and requirements of the Land and Water Conservation Fund; and the potential effect of the bill on other eligible activities of the LWCF.

We support passage of the legislation, with the recommendation that certain aspects be amended. Further, additional clarifying legislative history may be helpful in certain areas to concurrently improve the proposed program, and to avoid distortion of other LWCF uses.

OVERALL OBJECTIVES

The Association strongly supports special efforts to protect the nation's natural wetlands. The significant social, economic and biological values of these resources have been well documented. At the same time, there appears to be considerable confusion in terms of the magnitude and extent of wetlands losses, and therefore the most useful protection strategies. For example, the report on H.R. 3082 (Rpt. 98-440 Part 1 p.11) from the Committee on Merchant Marine and Fisheries, the House counterpart of S.1329, states that our original wetland acres totalled 215 million acres, and that approximately 50 percent have disappeared. Annual losses are estimated at 458,000 acres. The Fish and Wildlife Service's December, 1978 Environmental Impact Statement, Federal Aid In Fish and Wildlife Restoration Program (p.III-40) cites an original 127 million acres, now reduced to 75 million acres, and an annual estimated loss of 200,000 acres. The Council on Environmental Quality published still different figures in Environmental Trends, 1981, noting that most losses were in a limited number of states.

It would appear that there may have been different technical definitions used (permanent versus intermittant wetlands, for example), and that the annual loss figures may have considered natural versus man-induced changes. The distinction is important to public policy considerations. For example, an accelerated wetlands acquisition program would likely have little bearing on natural losses from erosion (reportedly 40 square miles annually of coastal marshes in Louisiana). The Louisiana loss alone equals more than 10 percent of the Fish and Wildlife Service's 1978 annual loss estimate. On the other hand, losses from man-induced changes should be controllable through a variety of public policy and regulatory actions other than acquisition.

The bill throughout defines wetlands and eligible activities in very broad terms, including authority to artificially create wetlands and construct related features for limited objectives. We suggest that, given the "emergency" nature of the problem, the national preservation effort should be focused on actually saving the most socially and ecologically productive natural wetlands. The report from the Committee on Environment and Public Works (Rpt.98-349) tends to direct the implementation of the program more specifically to functioning natural wetland systems.

S.1329 AND THE LAND AND WATER CONSERVATION FUND ACT

The bill proposes to amend the Land and Water Conservation Fund Act in several ways: by automatically transfering $75 million per year for 10 years to the Migratory Bird Conservation Fund (with the further effect of changing the Federal/State matching ratio for certain types of land protection functions); by authorizing the Secretary of the Interior to establish entrance fees for the National Wildlife Refuge System; and by disallowing use of the existing Golden Eagle Passport at units of the National Wildlife Refuge System which are or might become fee areas. In the longer term, the bill fails to incorporate the "protection in perpetuity" requirement of Sec.6(f)(3) of the LWCF Act.

The Association has reviewed both the intent and authority of S.1329 and the likely practical effect of this bill in terms of resource protection. It has not been an easy task; there remain many uncertainties. Further, the unwritten potential effects of the bill are even more elusive, especially concerning the question of appropriations for all eligible LWCF activities. Frankly, the Land and Water Conservation Fund, the proposed source of the new funds, has been severely battered in recent years. Support from the Administration has, overall, been minimal. Its support for state (and local) government participation has been non-existent.

Fortunately, the Congress has seen the entire LWCF program in a different light and has provided additional funds, including a modest appropriation for the States to keep the program going.

POTENTIAL IMPACT OF LWCF AMENDMENTS

The additional authorization for wetlands acquisition duplicates specific existing authority of the LWCF Act and regulations, while potentially limiting financial assistance to the States for all eligible land acquisition and outdoor recreation activities. (See Attachment 1, LWCF Grants Manual, Chapter 640.2, "Criteria for Acquisition".) The proposal comes at a time of severe fiscal stress for the LWCF grants program and for many state preservation efforts. Land acquisition for state parks dropped from an estimated 158,000 acres in 1980 to about 70,500 acres in 1983, according to the National Association of State Park Directors. The effective earmarking of annual appropriations for one type of land acquisition runs contrary to the intent of the act which was to permit the states to plan, acquire and develop needed land and water areas according to state priorities. It is important to note that the LWCF Act requires the governor of each state to formally certify that the state comprehensive outdoor recreation planning process has provided full opportunity for public participation in the process, and that the plan reflects the state priorities. Further, LWCF state administrators must annually report to the Department of the Interior on the utilization of grant funds--i.e. how did they match up against state priorities. Further, the funding ratio of 75 percent Federal share for a wetland-related project (versus, say, an important upland site) could seriously distort state and local priority setting, protection strategies and funding patterns.

RECOMMENDATIONS

Consistency of Required Planning Functions and Protection in Perpetuity. S.1329 requires some degree of national and state planning for wetland protection generally, and for project selection and approval. The bill should further require a specific relationship and consistency to national and state plans and processes required by the Land and Water Conservation Fund Act. Similar planning and program consistency requirements are contained in the Federal Water Project Recreation Act (P.L. 89-72), the Wild and Scenic Rivers Act (P.L. 90-542), the Water Resources Planning Act (P.L. 89-80), and others. The bill should be amended to require consistency with the LWCF Act.

Frankly, the proposal comes at a time when Federal budget reductions, and apparent indifference on the part of the Department of the Interior have, for all practical purposes, terminated the national planning process required by the LWCF Act, and placed severe stress and uncertainty on state planning requirements and capabilities generally. To authorize and encourage a parallel set of resource planning and priority setting functions, with no relationship to existing requirements, will fail to maximize both fiscal and human resources.

The bill fails to incorporate the "protection in perpetuity" feature of Sec. 6(f)(3) of the LWCF Act. Absent this provision the Federal government may aid the improvment of private properties, then not attain long term public benefit. This is a major ommission which should be corrected.

Length of Program. Sec. 204 authorizes an annual transfer of $75,000,000 from LWCF to the Migratory Bird Conservation Fund for a 10 year period (fiscal 1984 through fiscal 1993). This is inconsistent with the present termination date of the LWCF Act (Sept. 30, 1989), and will ultimately raise a number of other issues. Also, we doubt that advocates of more comprehensive resource conservation efforts through LWCF would perceive of that as a prudent course.

While it is likely that there will be efforts to extend generally the LWCF Act it must also be acticipated that there will be proposals to modify its present terms. Thus, we should not, in the present bill, preempt the opportunity to review fully and modify as necessary our wetland protection efforts through LWCF.

Federal-State Matching Ratio. The present LWCF state grant program provides for up to 50 percent Federal match. S.1329 provides for 75 percent Federal share. We recommend that the wetlands acquisition program be consistent with other LWCF acquisition authority. The proposed 75/25 ratio was apparently selected to have the program conform to other Federal fish and wildlife aid statutes. The proposed program is, in fact, identical authority to the LWCF Act, thus we suggest that the matching ratio consistency should follow the existing state LWCF grant program. The protection of all types of natural resources and the provision of recreation opportunities should be based on an objective assessment of state priorities. Different matching ratios will likely distort this process and put further stress on public funding decisions. Further, advocates of different forms of outdoor recreation will be put in a disadvantaged position. As a practical matter, to the best of our knowledge no state has ever failed to match its regular LWCF apportionment, thus, the funds potentially available through S.1329 could be stretched further and more land ultimately protected under a 50/50 program.

"Golden Eagle Passport" and Proposed Refuge Fees. The LWCF Act provides for the sale of a "Golden Eagle Passport" (and variations of it for certain population groups) as an option to enter designated Federal fee areas. Receipts have been intermittently credited to LWCF. S.1329 proposes to eliminate use of the Golden Eagle Pass for certain refuges, and in lieu thereof require purchase of a Migratory Bird Hunting and Conservation Stamp. Revenue would accrue directly to the Migratory Bird Conservation Fund. This proposal has the potential for excessive public confusion and irritation; it ignores the fact that ongoing Golden Eagle Passport sales have, since the initial authorization of the LWCF Act, contributed directly to wetlands acquisition efforts, including national wildlife refuges; and it ignores the significant difference between a general access fee and a special use charge. The Migratory Bird Hunting and Conservation Stamp should continue to be used for its original objective - to allow the hunting and consumption of migratory waterfowl not for access to Federal areas.

Alternatively, it would be administratively simple to credit the revenue from Golden Eagle Passport sales at all or selected units of the National Wildlife Refuge System directly to the Migratory Bird Conservation Fund. We recommend this approach. The Congress may also wish to consider increasing the price of the Golden Eagle Passport.

Local Government Participation. Sec. 2(b) PURPOSE refers to intensifying cooperation and specific efforts, public and private, to protect wetlands. The role and importance of local government is specifically cited. However, we are unable to determine whether other aspects of the bill specifically authorize the participation of general and special substate units of government in the expanded wetlands conservation program. We recommend that substate units of governments be clearly authorized to participate, perhaps using a state-level review and approval process similiar to the existing LWCF state grants program. This would provide further consistency with the LWCF Act, which has encouraged significant local government resource conservation efforts, including donations of private land. Further, it would recognize that most land use decisions are made in the context of local government plans, zoning and ordinances.

The bill or legislative history should clearly require close cooperation between current Interior Department LWCF grants administrators and officials associated with the wetlands program. A unified grants administration unit should be considered.

OTHER FEATURES

While not originally part of our position on the wetlands preservation issue, we want to note the inclusion in the House bill of a section which would authorize the taking of lands from both Cape Hatteras National Seashore and Pea Island National Wildlife Refuge, North Carolina for a Corps of Engineers project at Oregon Inlet. Frankly, we are surprised that authority to take both national park and national wildlife refuge lands for the proposed purpose would be attached to an "emergency" bill designed to protect water-oriented resources. Further, the objective of this section is in direct conflict with the objectives of the proposed Park Protection Act approved earlier by the House and now pending before this Subcommittee. The use of park and refuge land for construction purposes could establish a dangerous precedent where other Federally aided projects intrude on Federal land protection systems. At the least, the section is premature; it should not be considered further until all environmental and other analyses are available to the Congress and the public. We recommend that the Senate reject this provision at any point that it has an opportunity to do so, including a House-Senate conference.

Let me conclude, Mr. Chairman, by noting the long-standing support by my organization and others for the Land and Water Conservation Fund. Our support for appropriations has been broad, but we have focused on state and local government participation in the Fund. Recently those of us who have most actively supported this program were derisively referred to as "parkies", suggesting that we were supportive only of appropriations for "parks" per se. Such statements reflect ignorance of NRPA's position and the ongoing efforts of allied groups to support the total LWCF program and the present authority of the LWCF Act.

We believe it would be much more constructive if persons and organizations collectively recognized that there are a series of emergency environmental issues and needs that range from the nation's central cities to remote islands. The LWCF allows us to address these issues in a comprehensive way. We must provide broad-based support for the program or it will continue to erode.

This concludes our statement. I would be pleased to respond to questions.

CRITERIA FOR ACQUISITION

1. Types of Acquisition. Acquisition of lands and waters for public outdoor recreation, including new areas or additions to existing parks, forests, wildlife areas, beaches, and other similar areas dedicated to outdoor recreation may be eligible for assistance. Acquisition can be by fee simple title or by whatever lesser rights will insure the desired public use. The types of acquisitions that are eligible for assistance include, but are not limited to:

   A. Areas with frontage on oceans, rivers, streams, lakes, estuaries, and reservoirs that will provide water-based public recreation opportunities, or the acquisition of water bodies themselves.

   B. Land for creating water impoundments to provide water-based public outdoor recreation opportunities.

   C. Areas that provide special recreation opportunities, such as floodplains, wetlands, and areas adjacent to scenic highways.

   D. Natural areas and preserves and outstanding scenic areas where the objective is to preserve the scenic or natural values, including areas of physical or biological importance and wildlife areas. These areas must be open to the general public for outdoor recreation use to the extent that the natural attributes of the areas will not be seriously impaired or lost.

   E. Land within urban areas for day-use picnic areas, neighborhood playgrounds, and tot lots; areas adjacent to school playgrounds and competitive nonprofessional sports facilities, as well as more generalized parklands.

2. Activities Covered. Areas acquired may serve a wide variety of outdoor recreation activities including, but not limited to: driving and walking for pleasure, sightseeing, swimming and other water sports, fishing, picnicking, nature study, boating, hunting and shooting, camping, horseback riding, bicycling, snowmobiling, skiing, and other outdoor sports and activities.

*** *** ***

Senator CHAFEE. Thank you. Now, we have Mr. Reffalt and then Mr. Williamson. I have to restrict each of you to 5 minutes. I have to greet 150 students.

STATEMENT OF WILLIAM C. REFFALT, PROGRAM DIRECTOR, WILDLIFE REFUGES, THE WILDERNESS SOCIETY

Mr. REFFALT. I will do my best, Senator.

Although the Wilderness Society recognizes and applauds the efforts of you, Senator Chafee, and the members of the Committee on Environment and Public Works as well as this committee, we find ourselves necessarily reluctantly opposing the bill, S. 1329, as it is now written.

I will mention a few of the major reasons in my brief remarks here. I think I have given a more thorough analysis in my more complete testimony. Our foremost concern is that the bill, in our opinion, will not increase the rate or the degree of protection for wetlands in spite of having made a persuasive case for the record on the emergency need to do so.

The magnitude of losses is well documented and previous attempts that have failed over the last 50 years have also been documented. Yet, the actions as directed by this bill unfortunately would further dilute the efforts to acquire lands, particularly the wetlands, while drawing money from other land acquisition needs.

To give you an example, it is my understanding that the Fish and Wildlife Services has identified 3 million acres of important wetlands in need of permanent protection based on a wide variety of benefits expressed in S. 1329. That figure has nearly doubled the estimate that the Fish and Wildlife Service has made in their waterfowl acquisition program.

This means that instead of needing $1.4 to $1.6 billion as they have expressed, the Fish and Wildlife Service actually would require $2.5 to $3 billion to accomplish the program as outlined in S. 1329. The bill authorizes a maximum of $500 million over the next 10 years to do that job. Another major concern is the provision for State operated enhancement projects.

These are the areas of the bill that dilute the acquisition efforts using money that Congress intended for a permanent acquisition or indefinite easements. These amendments clearly change the character of the program as originally conceived.

Further, the granting of the 3 to 1 cost ratio, the 3 to 1 cost sharing with the States for these activities instead of the existing 50-50 requirement in the Land and Water Conservation Fund, could result in the mere shifting of projects between elements of the State to permit their getting more Federal dollars for the same project.

In addition, the formula upon which the calculations are made for granting money to the States seem to be fiat in that they allow a State to actually count the money that they have put up previously in other Federal grant programs, other inducement programs, as part of the basis for determining how much money they should get under this program.

I am not sure that that actually contributes to further inducing the States.

Another problem is that the States' use of these funds arises from the provisions of the Pittman-Robertson Dingell-Johnson acts themselves. Under those acts the State fish and game departments are prohibited from using license money or Federal aid funding for conducting activities that do not contribute directly to fish and game improvement or hunting improvement.

The broadening of the scope of this bill, which we applaud as one of the principal benefits of the bill, would in fact place the States in an awkward position that if they met the provisions of this bill, they could be in violation of the other two acts. They simply do not allow the State fish and game agencies to get involved in the flood control, water quality, and things of the nature that wetlands in fact in broad spectrum provide in their benefits.

Senator CHAFEE. You lost me on that one.

Mr. REFFALT. Pittman-Robertson Dingell-Johnson acts have a very strong provision that was originally developed to prevent the States from having their fish and game moneys used for other purposes. As a result of that, they have a provision in there regarding the diversion of funds and that is to use them for anything other than the precise provisions of the Pittman-Robertson Dingell-Johnson acts.

Those purposes are fish and game related and hunting related. If the States comply with the priority conservation plans as described in this bill, and did it in a very honorable way, they could in fact become, they would become a diversionary State with Pittman-Robertson Dingell-Johnson.

The Wilderness Society has consistently been on record as opposed to entrance fees on Federal public lands.

Senator CHAFEE. Let me just set that to rest. What you are saying is that the States would put up the Pittman-Robertson Dingell-Johnson money as their share of the matching fund to get this money?

Mr. REFFALT. No, sir.

Senator CHAFEE. We have forbidden that, I believe. There have to be non-Federal funds. How do you get into the Pittman-Robertson Dingell-Johnson problem under this act?

Mr. REFFALT. The money in this act would go through to the fish and game agencies. That is where it is directed, through the Federal Government, the Fish and Wildlife Services Federal aid program. These moneys would go to fish and game agencies across the country. Those fish and game agencies that make the attempt to using the broad scope benefits from which their planned and acquired projects and developed projects in the enhancement area for the broad purposes of this bill would, in fact, be diverted, either into the license money or into the Federal aid dollars, whichever one. And in that regard, it would jeopardize their getting money under Pittman-Robertson or Dingell-Johnson, if they did that. If they acquired a project whose primary purpose was to protect waterfowl or to protect flood control——

Senator CHAFEE. I think you are seeing a bogeyman here.

Mr. REFFALT. No, sir; I worked in the division of Federal aid for several years and I am quite well aware of it.

Senator CHAFEE. In my experience it would be that the State fish and wildlife agencies are extremely skilled in keeping their moneys partitioned for whatever it is. They are able to keep these separate files and meet the stiff requirements of each of them.

Mr. REFFALT. Unless they were able to come up with a new funding source for their share——

Senator CHAFEE. Well, that is the whole objective of it. We are not getting anywhere if it is just a straight ladling out of Federal money to the States.

Mr. REFFALT. I am not talking about the Federal money. I am talking about the State money. Unless they get money from somewhere other than their current sources, which will license revenues, the tax check off programs in these States are being used for endangered species programs for the most part, and unless they find another source, their use of that money for the purposes of this act would place them in a diversion with regard to Pittman-Robertson and Dingell-Johnson.

Senator CHAFEE. That is something we want to be alert to and I appreciate your pointing that out.

Mr. REFFALT. I will wind up very quickly by saying that we continue to oppose entrance fees on national wildlife refuges. The waterfowl hunter buys a license or he buys a hunting stamp and for that he gets the privilege of hunting in this country and consistently he has been given that privilege and therefore has been given what he has paid for.

The fact that the Congress has seen in their wisdom to use those moneys and to pile them back into a program to acquire lands for conservation purposes does not relate directly to the hunter. And, therefore, we do not think——

Senator CHAFEE. I do not know how it can be more directly related. But you are for the bill except for all of the provisions in it?

Mr. REFFALT [continuing]. There are a number of provisions in this bill which we find are excellent provisions. Mr. Chairman, we are quite happy with the provisions regarding the utility completion of the wetlands inventory, the detailed study that you have asked be done, particularly as it relates getting the annual loss rates and the loss of quality or degradation of quality of resources. Those are all good provisions of the bill.

There is a definite need to extend the wetlands loan authorization and provide substantial refunding to the migratory bird conservation account. All of those provisions are excellent provisions of the bill.

[The prepared statement of Mr. Reffalt follows:]

THE WILDERNESS SOCIETY

FOUNDED IN 1935

STATEMENT OF WILLIAM C. REFFALT, PROGRAM DIRECTOR FOR WILDLIFE REFUGES, THE WILDERNESS SOCIETY, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON S.1329, MARCH 21, 1984.

Mr. Chairman, Members of the Committee, I am Bill Reffalt of The Wilderness Society (TWS), 1901 Pennsylvania Avenue, N.W., Washington, D.C. The Wilderness Society is a national conservation organization with over 100,000 members dedicated to the preservation of our nation's legacy of unspoiled public lands for today's and all future generations of Americans. The Society has been involved for decades in the proper management, protection and administration of the public lands, including the National Wildlife Refuge System (NWRS) and the public benefits to be derived therefrom. We are involved particularly in protecting the NWRS from encroachment and in supporting its growth and maturation. The Society is dedicated equally to similar principles with regard to the other public land management systems. Thus, our interests in being here today and in presenting testimony related to S.1329 are broadly based. I thank the Chairman, and the Committee for providing this opportunity to testify on this proposed legislation.

Mr. Chairman, The Emergency Wetlands Resources Act of 1984 expresses by its title the urgent nature of the need that it's provisions address. In the years since the initial landings by Europeans on this continent, a steadily growing modification of its features has occurred. In the case of this nation's wetlands, estimated by some to have originally encompassed about 218 million acres in the conterminus 48 states, we have witnessed the disappearance of about 56% of their original extent as well as substantial modifications to the quality of those that remain.

My statement is not a startling or new revelation. As early as the second decade of this Century, many concerned people and the Congress were aware that industrialization, agriculture, road building and other ventures of the post-war boom in America were drastically altering wildlife habitats, including all types of wetlands. These concerns over factors affecting fish and wildlife, habitats and our natural water supplies prompted actions intended to slow the rapid rates of change. To an extent, the actions taken have achieved some success; however, they have not been able to keep pace with the speed and ability of new technology to seriously modify the landscape. Also, a lack of consistent and adequate monetary support for implementing the Congressional enactments contributed to an ever widening gap. Thus, in 1961, an "accelerated

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Wetlands Acquisition Program" was authorized by Congress using monies advanced as a loan to be repaid from future "Duck Stamp" revenues.

Although such a concept would seem appealing and, therefore, destined for success, the results have failed to meet expectations. At the end of the intended seven year program the Fish and Wildlife (FWS) had received less than $50 million of the authorized $105 million in loans and had acquired (or taken easements on) slightly over one million acres-- a shortfall of about 2.8 million acres from the target. The authorized loan period was extended and the authorized amount increased (ultimately to 1984 and $200 million respectively), but even with the extensions and increases the goals have yet to be reached. At the end of fiscal year 1983 the FWS estimates that an unappropriated loan authorization of over $52 million remains and the acquisition shortfall from the goal is about 1.6 million acres.

Meanwhile, the annual losses of wetlands have increased and are currently estimated at over 450,000 acres per year, a rate of nearly 1/2percent per year. Thus, Mr Chairman, we are brought to the present and to consideration of an Emergency Wetlands Resources Act. The forgoing brief description of the historical context indicates that the need is real and the facts are well documented. Obviously, then, we support the concept of preserving wetlands by an aggressive acquisition program. However, TWS does not give unqualified support to this bill, S.1329. The Congressional findings in Section 2 reaffirm the importance of wetlands, give the legal and other bases for Congressional action and serve to highlight the fact that losses of wetlands is the primary factor to be addressed. However, the remainder of the bill should receive important amendments to insure that the final statute can achieve success. Historical evidence strongly suggests that good intentions, alone, will not provide the protection or dollars and manpower needed to carry out the provisions of the law.

It has been 55 years since passage of the Migratory Bird Conservation Act and nearly 30 years since the FWS and the States originally established detailed acquisition goals for the protection of this nation's waterfowl resources. Yet, the record clearly shows that even those narrower objectives have not been met.

We are now considering a major broadening of the goals to encompass several additional purposes through Wetlands preservation. TWS agrees with the broadened view of the values and, therefore, the need to permanently set aside in government ownership or control a reasonable percentage of these beneficial ecosystems to assure their capability to accomplish the multiplicity of benefits described in the findings section of S.1329. However, we do not believe the Bill, as written, can achieve those purposes.

Current estimates show a need for 1.6 million acres of Federal wetlands acquisition just to meet the original waterfowl management goals established in the late 1950's. The States have a slightly greater backlog to meet their original objectives. Thus, if every dollar envisioned by this proposal were appropriated and spent for land acquisition, it would achieve no more than one-third of those now out-dated goals by the end of the 10 year period. Obviously, with the broadened objectives addressed in S.1329, it is fair to state that in wetland acquisition alone, the shortfall would likely approach

75% - 80%. Mr. Chairman, TWS does not believe that level of achievement is adequately responsive to the emergency need that has been documented.

My specific comments, by section follow:

Section 201. Admission Fees at refuges.

As a matter of public policy, TWS opposes entrance or admission fees at federal installations. The right of equal access to public resources should be the prevailing federal policy to ensure that our Nation's poor and disadvantaged can seek the benefits provided by their National heritage. Special privileges (e.g. hunting and fishing, camping, etc.), use of special facilities or features, etc., may warrant user fees but general access to the federal areas should be free to all.

Also, based on past attempts to collect entrance fees on National Wildlife Refuges and the likelihood of the need for elaborate financial controls, it is probable that the fee system would actually generate few revenues.

It is also important to distinguish between the consumptive user of resources and those who might be described as non-consumptive users. The hunter pays license and other fees (including duck stamp fees for hunting waterfowl) but is granted the privilege of terminal use of resources in return for that payment. Recent analyses indicate that the hunters get a bargain and would, in fact, be willing to pay more for certain hunting and fishing privileges. Thus, it can be said they are getting what they pay for. If it is determined that fees should be charged for access to refuges, or for services or facilities within the refuges, the hunters should have no more than equal footing with all other refuge visitors.

Section 301.

There are a number of concerns raised by this section. The broadening of the original concept of providing for wetlands acquisition to include the current allowance for "enhancement" projects is particularly troublesome. After recognizing the emergency and the inadequacies of previous acquisition programs as well as the limitations discussed above regarding acquisition under this bill, it would seem unnecessary to point out that this broadening will further diminish the capabilities under S.1329 to address the most vital concern--i.e. the need to protect, by acquisition, a reasonable acreage of high quality wetlands in perpetuity. Money is already available to the States under Pittman-Robertson (P-R) and Dingell-Johnson (D-J) to undertake enhancement of wetlands when it meets the Federal Aid requirements.

Given the limitations on funding it is imperative that only acquisition or easement purchases be permitted with these funds.

Problems also exist in the mechanisms for distributing the money to the States (for instance, in allowing the States to count the 25% State share of Federal Aid to Fish and Wildlife restoration projects in addition to other State matching monies in determining 1/2 of the State allocation). TWS believes the formulas in Section 301 will prove to be unworkable due to major difficulty in establishing a common base year for all States.

Another problem that should be addressed concerns the ability of States to meet the obviously broadened objectives for wetlands conservation. The P-R and D-J Acts specifically prohibit the receiving state agencies from using the federal funds or state license revenues for other than fish and game purposes. Thus, a State complying with the full intent of S.1329 and the comprehensive wetlands conservation plan would undoubtedly find itself in violation of those statutes and subject to reversion or withholding of the Federal Aid funds due to those prohibitions. The result is that either the States will be unable to comply with the purposes of this proposal or they will violate the directives of those other statutes.

The concept of a national priority wetlands acquisition plan is an excellent one. Once it is completed, all parties should be required to follow those priorities if they are to have real meaning. However, everyone is placed in a dilemma if the States are encouraged to allocate money to undertake projects consistent with the plan, but then placed in violation of other provisions of Federal law.

In summary, S.1329 is based on a sound and justifiable need but it fails to adequately address that need. To accomplish its directives it proposes to remove $75 million from other needed land acquisition programs of the Federal and State governments, but then it falls into grave difficulties in accomplishing its intended objectives. TWS believes the proposal needs major corrective amendments and cannot support the bill unless such corrections are completed.

Thank you Mr. Chairman, I would be happy to answer such questions as time will permit.

Senator CHAFEE. I do not want to cut you off, but I just have to go and meet the students now.

Senator WALLOP. Thank you, John. I appreciate your taking over.

Senator CHAFEE. Thank you. Those are constructive ideas and we will look into them.

Senator WALLOP [presiding]. Bill, have you finished?

Mr. REFFALT. I have finished.

Senator WALLOP. I will not ask you any questions. I only heard that you are in favor of the bill except for all of its provisions.

Mr. REFFALT. I think we found ourselves reluctantly opposed to the bill unless there are some major changes made. I guess that is the negative way of saying what you said.

Senator WALLOP. I just glanced quickly at the 201, admission fees, which is one of the areas that causes you concern.

Mr. REFFALT. Yes, sir; the Wilderness Society does not believe that the Federal public land should not have open access to all members of our society and placing entrance fees at the gate to the parks and the refuges simply means the poor and disadvantaged are at less advantage to go into them.

Now, fees for things once you are inside for special uses or special privileges, such as hunting and fishing, we have no quarrel with charging for those kinds of things. But access to the Federal lands, we believe should be provided to everyone free of charge.

Senator WALLOP. I guess in an ideal world I agree with you, but I wonder how we can make everything come together any more. Taken individually the priorities that we are looking at in this whole budget process are all very attractive. I mean it does not matter whether these are fish and wildlife, national parks, national forests, human resource things, educational things, they all got there because they have a certain sort of attractiveness, politically and otherwise. But collectively they are giving us a belly ache that we cannot swallow and I do not know what the answer is. Maybe some modest level of fees has to be considered, perhaps not.

Mr. REFFALT. A few national wildlife refuges are involved in contributing to the golden eagle program, but I was previously with the Fish and Wildlife Service for a number of years and was located on a national wildlife refuge in New Mexico at a time when entry fees were first tried on national wildlife refuges. I had a fairly easy time with it, because my access to the refuge was limited to two routes. But the first year of operation cost us more to operate the fees, because of the cost of salaries and other programs related to ensuring some degree of compliance than what we were collecting. I think that is traditional on that.

Senator WALLOP. I understand that. We have had some testimony to that effect. One of the suggestions that was made to us was that if a portion of the fees that were collected were dedicated to a particular refuge or particular park or other things, that that might eliminate a great deal of the problems. In other words, you can see how a park superintendent officer may be disinclined, if they were short of staff, to staff the entrance to collect the fees.

In other words if nothing goes back to the park for his problems or the refuge for his problems, it all goes back to the general fund and one of the things that we have been trying to do is figure out some means to attach at least a portion of what took place so it eases rather than accelerates the problems that we have. I guess we will not talk about that here today.

But I understand what you are saying. I am not sure where I come down on it, but I do understand what you are saying. Thank you very much.

Next we have Lonnie Williamson, secretary of the Wildlife Management Institute.

STATEMENT OF LONNIE WILLIAMSON, SECRETARY, WILDLIFE MANAGEMENT INSTITUTE

Mr. WILLIAMSON. Thank you, Mr. Chairman. Following my friend Bill Reffalt here, I can be very brief in saying that everything that he is against, I am for. We can go that way.

Just a couple of points that have to do with the interest of this committee. We, No. 1, believe that the Land and Water Conservation Fund is an appropriate source of revenue for financing a needed wetlands acquisition program in the United States at the Federal and the State level. We also believe that the direct transfer of money from the Land and Water Conservation Fund to the Migratory Bird Conservation Fund is the only assurance that we can have that the kind of financing that is needed over the next 10 years to meet the goals that have been set by the Fish and Wildlife Service will be met.

No. 2, we support the refuge admission fees and would like the state—we are agreeable to the House Interior Committee amendment which stipulates that the golden eagle passport would be honored, in addition to that of duck stamps.

We thank you very much.

Senator **Wallop**. Thank you, Mr. Williamson.

Dr. Davison, I was looking at one area of your testimony, which I do not know how to characterize, but I do not think that life quite works that way and what I am referring to is the National Wildlife Federation agrees with the Committee on Environment and Public Works that the $75 million annual transfer from the Land and Water Conservation Fund should in no way reduce annual appropriations from the fund for park, refuge, and endangered species acquisitions.

The budget process as Congress has set it up and the appropriation process and the administration will all view that as an expenditure that has to be balanced against. The fact that they have never appropriated as much as has been offered is in fact not unusual.

In all of the other accounts, there are many times when we do not appropriate as much as we have been authorized and somehow or another nobody has any problem attaching that to the deficit. And unless we were to do as we did for the appropriations for the strategic petroleum reserve, put it off-budget, it will be counted against that.

I just, from a purely practical standpoint, whatever it seems like what it will be like is that it will be counted against that fund.

Dr. **Davison**. I understand that. I guess I am perhaps something of an idealist. I do not understand why that needs to necessarily reduce the amount appropriated under the Land and Water Conservation Fund. It seems like reductions could occur in other places in the Department of the Interior's budget.

Senator **Wallop**. That is what they all say. The mystical thing about all of this is that the most common thing, I am told by my constituents and by others when I travel around, is that we have got to do something about the deficit and the next most common thing is, and it is only diminished by the fact that some people do not know where the money comes from, is the fact that you can do it to somebody else.

It does not matter whether we are raising revenues or what. Somebody in the office yesterday suggested that we spend a whole lot less on parks and recreation and move that money into education, because we cannot really appreciate a park unless we are educated anyway. So everybody has got something and it is in sort of a constant swirl.

I am not saying that $75 million is a good or a bad dimension, it is just that it is an added dimension, no matter how we come at it and to define it somewhere else clearly will take it out of somebody else's hide and I guarantee you they will scream.

Anyway, I think there have been some improvements that we really should accelerate our attention to wetland protection and acquisition. I really wish I could be king for a day and shove all of these various tentacles into a pile with plan and a procedure for delivering that plan and then I would turn it back the next day. But I wish we could do more with the money that we have.

I am frustrated by the fact that we have a very large amount of money, and it is a lack of focus sometimes that diminishes the effects that we are all trying to do. We will not solve that today.

Being an idealist, I guess if you can wish for $75 million, I can wish for a better way to spend it. At any rate, I thank you all for your testimony here this afternoon. The subcommittee is adjourned.

[Whereupon, at 3:30 p.m., the hearing was adjourned.]

APPENDIX

Additional Statements Submitted for the Record

Wildlife Management Institute

Dedicated to Wildlife Since 1911
Suite 725, 1101 14th Street, N.W.
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Statement of Daniel A. Poole
on S. 1329
before the
Subcommittee on Public Lands and Reserved Water
Senate Committee on Energy and Natural Resources
March 21, 1984

Mr. Chairman:

I am Daniel A. Poole, president of the Wildlife Management Institute, with headquarters in Washington, D.C. The Institute's program has been dedicated to the improved management of natural resources in the public interest since 1911.

I will not attempt to detail the need for a law embodying the objectives of S. 1329. The hearing record and report of the Environment and Public Works Committee document both the loss of wetlands in this country, now exceeding 400,000 acres annually, and the failure of past and current programs to protect the wetlands acreage necessary to maintain satisfactory population levels of migratory waterfowl.

S. 1329 deals with much more than migratory waterfowl. Many other species of wildlife, including species taken commercially for food and fur and valued in the billions of dollars also are benefited by wetlands habitat. And the nation's wetlands serve society by reducing flood crests, aiding ground water recharge, preventing silt and chemicals from reaching flowing waters, and benefiting man in other ways.

S. 1329 would authorize additional funding--some on an emergency basis because an emergency is involved--to accelerate the overall wetlands protection program. It also would authorize accelerated continuation of the

U.S. Fish and Wildlife Service's National Wetlands Inventory program and calls for an analysis and report of the causes of wetland degradation and destruction by late next year.

I wish to address three points that I believe are of interest to the committee:

1. Land and Water Conservation Fund--we believe use of the Land and Water Conservation Fund is appropriate. Certain kinds of wildlife properties may be acquired through the Fund now. Unfortunately, the bulk of the lands that are targeted under the Emergency Wetlands Resources Act are excluded. There is ample money credited to the Fund to accommodate this use for the 10-year emergency period.

   The House Merchant Marine and Fisheries Committee would raise the LWCF authorization to $975 million annually. This is agreeable to the House Interior Committee to which the bill was sequentially referred. The latter also would extend the LWCF authorization through September 30, 1984 as a conforming amendment.

2. Admission fees--
   The Fish and Wildlife Service estimates that approximately 16 refuges may be appropriate for the collection of admission fees. The House Interior Committee, in an amendment agreeable to us, also stipulates that Golden Eagle and Golden Age Passports would be honored at refuges in addition to valid Duck Stamps. Receipts from Golden Eagle and Golden Age Passports, sold at the refuges, would be credited to the purposes of the Emergency Wetlands Resources Program. Otherwise, present practice would remain in place.

3. Direct transfer to the Migratory Bird Conservation Fund--

The principal reason why earlier efforts to protect our national wetlands base--the Water Bank Act and the Wetlands Loan Act--have fallen short is because funding has been subject to the customary appropriations process. Rare, indeed, are the times when an Administration and Congress have been together on funding requests and appropriations. This is a primary reason why the 1961 Wetlands Loan Act, originally authorized for seven years, now is in its 23rd year. Requests and appropriations seldom matched authorizations.

The only solid performer over the years has been the Migratory Bird Conservation Fund, into which the proceeds from the sale of Ducks Stamps are credited. And that is because this money is handled as a permanent appropriation. Hence, the Migratory Bird Conservation Fund provides stability of funding, a feature that has been missing in all other efforts to help, no matter how noble their intention.

The plain fact is that wetlands are being destroyed at an unacceptable and accelerating rate. This loss only can be counteracted by a sensible program backed with reliable funding. A program of this kind requires a continuity of funding, staff and accomplishment that simply cannot succeed in an atmosphere where the funding climate forever is changing.

An emergency truly faces this nation's wetlands. That is why we support the direct transfer of $75 million per year for 10 years from the Land and Water Conservation Fund to the Migratory Bird Conservation Fund. It would provide substantial funding support while at the same time eliminating the "now you got it, now you don't" funding record of the past.

THE WILDLIFE LEGISLATIVE FUND OF AMERICA
To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

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STATEMENT IN SUPPORT OF S. 1329
EMERGENCY WETLANDS RESOURCES ACT

Submitted to
PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE
of the
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

By
THE WILDLIFE LEGISLATIVE FUND OF AMERICA

March 22, 1984
Washington, D. C.

50 West Broad Street, Columbus, Ohio 43215 614/221-2684

The Wildlife Legislative Fund of America is a non-profit organization which protects the heritage of American sportsmen to hunt, fish and trap and protects scientific wildlife management practices. It is an association of sportsmen's and other conservation organizations. Perhaps the largest and most well known of these is Ducks Unlimited, whose 400,000 members raise and spend $40 million each year to acquire and maintain waterfowl habitat in North America. The Wildlife Legislative Fund of America provides legislative lobbying and legal defense services to most of America's national sportsmen's conservation groups and many more at the state and local levels. The Wildlife Legislative Fund supports S. 1329, The Emergency Wetlands Resources Act.

The nation's wetlands are being destroyed at an alarming rate. According to the U. S. Fish and Wildlife Service, 458,000 acres of wetlands each year are lost nationwide. It has been estimated that nine million wetland acres were lost between the 1950's and 1970's. Only 99 million acres of wetlands are left in the lower 48 states.

If this trend of wetlands destruction continues, according to the U. S. Fish and Wildlife Service, virtually no waterfowl breeding habitat will be left by the year 2083.

Wetlands are important to everyone; not only to sportsmen, other recreationists and commercial interests. Besides providing habitat and breeding grounds for wildlife and plants, wetlands are a natural means of flood and erosion control. They improve water quality by trapping and filtering pollutants and recharging ground water supplies.

The legislation before the Subcommittee today is a major step in the conservation of wetlands and wildlife resources. The Wildlife Legislative Fund of America fully supports this legislation.

S. 1329 annually transfers $75 million from the Land and Water Conservation Fund to the Wetlands Conservation Fund for ten years. This money would be used for federal and state wetlands acquisition and maintenance. We strongly support the provision of S. 1329 that makes this money available as an annual allocation, specifically bypassing the appropriations process.

We know that wildlife has traditionally taken a lower priority before the appropriations committees of Congress. Defense, education, public works and other concerns often receive consideration before wildlife. The House counterpart of this bill, H.R. 3082, does not now contain this provision to specifically earmark the funds. We have strongly urged the House to amend its bill to conform to S. 1329.

The Land and Water Conservation Fund is the most logical source of these funds. Since wetlands preservation is a priority of the conservation movement, no controversy should surround the use of these funds for state and federal wetlands acquisition and maintenance.

Sportsmen have always supported earmarked funds for wildlife conservation. In fact, America's successful programs of wildlife management have historically been supported by these funds. The sportsman has been the source of the lion's share of the funds used for wildlife conservation in this country. His contributions through excise taxes on sporting equipment, license fees and special stamps and permits to date total over $3 billion. In fact, federal duck stamp revenues, provided by waterfowl hunters have been the financial backbone of government wetlands acquisition programs to date. S. 1329 carries on that tradition.

The Wildlife Legislative Fund of America is confident that S. 1329 will have a definite and beneficial impact on America's troubled wetlands. It will permit state and federal wildlife agencies to acquire and maintain some important wetlands areas. As Congress moves toward passage of this legislation, it should begin to focus on subsequent far-reaching steps to ensure a bright future for wetlands and the plant and animal life it supports.

Government acquisition of wetlands is an important step toward curing the ills that beset wetlands. However, of America's 99 million acres of wetlands, only 8.2 million acres are under state and federal protection. The lion's share of our wetlands are in private ownership and government will never be able to purchase the area needed to solve the problems facing waterfowl and other wildlife dependent on wetlands. It is vital that private owners be encouraged to maintain and restore wetlands. We believe future legislation to provide tax incentives to wetlands owners is key if wetlands are to endure.

In conclusion, The Wildlife Legislative Fund of America reiterates its support for S. 1329. We hope that the issue of wetlands protection does not end with passage of S. 1329 and that you see this legislation as an important first step in the protection of America's wetlands resources. There is more to be done.

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